

Twenty-eighth Regiment Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 11921) for the relief of Dewitt Eastman—to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11922) providing for the payment of \$8,000 to Christian Kener—to the Committee on Claims.

By Mr. MINOR: A bill (H. R. 11923) granting an increase of pension to Ernest A. Klingenberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11924) granting an increase of pension to Patrick Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11925) granting a pension to Henrietta Schulz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11926) granting an increase of pension to James H. Bellinger—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 11927) granting a pension to Elizabeth Dickerson, formerly widow of James Bohler—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DAVEY: Petition of retail druggists of New Orleans, La., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of Orleans Parish Medical Society, of New Orleans, La., urging the formation of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of the Woman's Christian Temperance Union of Minneapolis, Minn., urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, resolution of the city council of Minneapolis, Minn., urging the passage of the post-office reclassification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEDGE: Petition of the Baptist, Methodist, and Congregational churches of Danville, Iowa, for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. KERR: Petition of Pomona Grange of Lorain County, Ohio, in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. KING: Petition of Christian Kener, to accompany House bill for his relief—to the Committee on Claims.

By Mr. LACEY: Petition of Local Union No. 178, of Beacon, Iowa, United Mine Workers, favoring House bills 6882, 5450, and 8917—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of A. Z. Cates and other druggists of Rumford Falls, Me., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Jay, Me., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. LOVERING: Petitions of Women's Board of Missions and citizens of Halifax, Mass., and Methodist Episcopal Church and citizens of Hull, Mass., asking for the passage of the anti-canteen bill, prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. METCALF: Petition of Joe Hooker Post, No. 11, and Lyon Post, No. 8, Department of California and Nevada, Grand Army of the Republic, for the establishment of a Branch Soldiers' Home for disabled soldiers near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of druggists of Oakland, Cal., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill for the relief of Mount Horeb Methodist Episcopal Church South, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: Petition of farmers and dairymen of Lenawee, Mich., in opposition to the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. SPRAGUE: Petition of the Bristol County Woman's Christian Temperance Union, of Massachusetts, urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of the Epworth League, Young People's Society of Christian Endeavor, and other societies of Franklin, Mass., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands, Philippines, Porto Rico, and Cuba—to the Committee on the Territories.

By Mr. THAYER: Petition of 24 citizens of Millville, Mass., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. WATERS: Petition for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

#### SENATE.

MONDAY, May 28, 1900.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

#### LAWS APPLICABLE TO PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, inclosing a reference from the governor of Porto Rico transmitting a petition from the judicial board of Porto Rico referring to section 8 of public act No. 69, approved April 12, 1900, and urging that such of the Revised Statutes of the United States as apply to that island may be translated into Spanish for the benefit of the people; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

#### SURPLUS FILES OF THE TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that a sum amounting to \$5,800 be included in the deficiency appropriation bill for the rental of the building near the corner of Fourteenth and B streets NW., Washington, D. C., for the accommodation of the surplus files in the Treasury Department; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

#### CAPITAL TRACTION AND ANACOSTIA RAILROADS.

Mr. CULLOM. I desire to enter a motion to reconsider the vote by which the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia was passed on Saturday. I simply desire this morning to enter the motion and to let it stand until to-morrow. I believe the chairman of the committee does not object.

Mr. McMILLAN. Very well.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon;

A bill (H. R. 10700) to confirm a lease with the Seneca Nation of Indians;

A bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes;

A bill (H. R. 10997) to amend section 4414, Title LII, Revised Statutes of the United States;

A bill (H. R. 11281) permitting building a dam across New River; and

A joint resolution (H. J. Res. 247) to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 207) granting an increase of pension to Margaret E. Van Horn;

A bill (S. 517) granting a pension to Nancy E. Neely;

A bill (S. 557) for the relief of Thomas Rosbrugh;

A bill (S. 1619) granting an increase of pension to Ella Cotton Conrad;

A bill (S. 1781) granting an increase of pension to Julia MacN. Henry;

A bill (S. 2883) to change the characteristic of Cape Cod light, Massachusetts;

A bill (H. R. 2537) to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;

A bill (H. R. 3267) granting an increase of pension to Jacob W. Moor;

A bill (H. R. 5886) granting a pension to William H. Lane;

A bill (H. R. 7418) granting an increase of pension to George Garrett;

A bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes; and

A bill (H. R. 8559) granting an increase of pension to Margaret R. Clune.

#### PETITIONS AND MEMORIALS.

Mr. TALIAFERRO presented a memorial of sundry members of the bar of Dade County, Fla., remonstrating against the enactment of legislation to change the boundaries of the United States judicial districts of Florida; which was referred to the Committee on the Judiciary.

Mr. McMILLAN presented a petition of sundry citizens of Hollo way, Mich., praying for the enactment of legislation imposing a tax upon oleomargarine, butterine, and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Civic Center of Washington, D. C., relative to the rates and operation of telephone plants in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BEVERIDGE presented sundry petitions of druggists of Noblesville, Greenfield, Martinsville, and Rockville, all in the State of Indiana, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented petitions of 100 members of the Maple Heights Mission, of Bloomington, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. GEAR presented a paper to accompany the bill (S. 2897) to remove the charge of desertion from the military record of Stephen A. Toops; which was referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 2916) to grant right of way over Government lands for a pipeline for the conveyance of water to Flagstaff, Ariz., reported it without amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4192) in relation to the police court of the District of Columbia; and

A bill (S. 121) to exempt from taxation certain property of the Young Men's Christian Association of Washington, D. C.

Mr. DEPEW, from the Select Committee on Industrial Expositions, to whom was referred the bill (S. 4673) to encourage the holding of an interstate and West Indian exposition in the city of Charleston, in the State of South Carolina, in the year 1901, reported it without amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills and joint resolutions, reported adversely thereon, and moved that they be indefinitely postponed; which was agreed to:

A bill (S. 2865) to prevent the manufacture or use of trade checks;

A bill (S. 3930) to increase the salary of the United States marshal for the southern district of Ohio;

A joint resolution (S. R. 2) proposing an amendment to the Constitution of the United States respecting an establishment of religion or the free exercise thereof;

A joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States relating to marriage and divorce;

A joint resolution (S. R. 7) proposing an amendment to the Constitution authorizing a tax upon incomes;

A joint resolution (S. R. 12) to amend the Constitution of the United States giving Congress the power to lay and collect income taxes;

A joint resolution (S. R. 22) to amend the Constitution of the United States relating to uniform marriage and divorce laws and the enforcement thereof by adequate penalties;

A joint resolution (S. R. 40) proposing an amendment to the Constitution of the United States relating to marriage and divorce;

A joint resolution (S. R. 47) proposing amendments to the Constitution of the United States providing for the election of the Chief Justice of the Supreme Court by the qualified electors of the United States, and for the election of other Federal judges by the votes of the qualified electors of the respective judicial circuits and districts;

A joint resolution (S. R. 49) to amend the Constitution of the United States giving Congress the power to lay and collect income taxes;

A joint resolution (S. R. 96) for the relief of Annie Birdsall, administratrix of the estate of John Birdsall, deceased; and

A joint resolution (S. R. 118) to set apart the 12th day of February in each year upon which to celebrate the birthday of Abraham Lincoln.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. SHOUP on the 25th instant, proposing to appropriate \$250 to pay for services rendered in preparing and furnishing a revised and complete index of the war-revenue law, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4852) to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn., reported it without amendment.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 4758) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 10210) granting an increase of pension to Ellen Mills Brown, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, to report it with an amendment. On behalf of the majority of the committee I submit a report to accompany the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was recommitted the bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes, reported it with amendments, and submitted a report thereon.

#### SECOR & CO.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 271) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 271) entitled "A bill for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### E. B. CROZIER.

Mr. BATE. I move that the Committee on Claims be discharged from the further consideration of the bill (H. R. 1871) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee, and that it be referred to the Committee on Military Affairs. The bill was inadvertently referred to the Committee on Claims.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 4871) for the relief of Oliver H. Perry, administrator of the estate of Mary Scott, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 4872) providing for the erection of a public building at the city of Gainesville, Fla., and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. QUARLES introduced a bill (S. 4873) granting an increase of pension to Horace L. Stiles; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4874) to correct the military record of Horace B. Kenniston; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 4875) granting an increase of pension to George Fowler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 4876) granting an increase of pension to Mary A. Merritt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4877) granting an increase of pension to George W. Thompson;

A bill (S. 4878) granting an increase of pension to Colin R. Cundey; and



A bill (S. 4879) granting a pension to Alice K. Scott (with accompanying papers).

Mr. THURSTON introduced a bill (S. 4880) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4881) for the relief of Alfred H. Clauson;

A bill (S. 4882) granting an honorable discharge to William Phillips; and

A bill (S. 4883) to correct the military record of James A. Wallace.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4884) granting an increase of pension to Milton Hendricks (with an accompanying paper);

A bill (S. 4885) granting an increase of pension to David K. Carver (with accompanying papers);

A bill (S. 4886) granting an increase of pension to Charles W. Moses (with accompanying papers);

A bill (S. 4887) granting an increase of pension to Lucy A. Harding (with accompanying papers); and

A bill (S. 4888) granting an increase of pension to George W. McComb (with accompanying papers).

Mr. HAWLEY introduced a bill (S. 4889) to increase the efficiency of the artillery branch of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 4890) for the relief of E. W. Morrill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4891) to refer the claim of Goff A. Hall, of the District of Columbia, to the Court of Claims;

A bill (S. 4892) to refer the war claim of the estate of Jane Taylor, deceased, late of Fairfax County, Va., to the Court of Claims;

A bill (S. 4893) to refer the war claim of Felix Richards, deceased, late of Alexandria County, Va., to the Court of Claims; and

A bill (S. 4894) to refer the war claim of Branon Thatcher, of Frederick County, Va., to the Court of Claims.

Mr. FORAKER introduced a bill (S. 4895) to extend certain patents of Seth H. Smith; which was read twice by its title, and referred to the Committee on Patents.

Mr. COCKRELL introduced a bill (S. 4896) permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEAR (by request) introduced a bill (S. 4897) for the relief of certain officers of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 4898) to remove charge of desertion now standing against James Hennessy on rolls of the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 4899) granting an increase of pension to Rhoda A. Bradshaw; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO CLAIMS BILL.

Mr. SHOUP submitted two amendments intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which were referred to the Committee on Claims, and ordered to be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. COCKRELL submitted an amendment proposing to appropriate \$10,000 for defraying the expenses of the Louisiana Purchase Exposition Commission, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

Mr. DEPEW subsequently reported favorably, from the Select Committee on Industrial Expositions, the foregoing amendment, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. TURNER submitted an amendment proposing to appropriate \$276.52 to pay Clinton F. Pulsifer, of Washington, for surveys and resurveys of public lands; to appropriate \$45 to pay John O'Keane, of Washington, as balance of salary due him for serv-

ices as a farmer in charge of Tulalip Indian Agency; to appropriate \$884.82 to pay Joshua T. Roberts, of Washington, as the balance due him for making survey No. 425, in the State of Washington, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. HANSBROUGH subsequently reported favorably from the Committee on Public Lands the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MORGAN submitted an amendment proposing to appropriate \$15,860.35 to reimburse the Maritime Canal Company of Nicaragua for expenditures in aid of the commissions authorized by act of Congress, known as the Ludlow commission, for inspection and survey of the Nicaragua Canal, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCOMAS submitted an amendment proposing to appropriate \$420.98 to pay Virginia I. Mullan, of Annapolis, Md., being the amount due her as owner and holder of coupons Nos. 3, 4, and 5, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made; which was referred to the Committee on Commerce, and ordered to be printed.

#### REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 3490 with a view to moving a concurrence.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia.

The amendments of the House were read, as follows:

Strike out all after the enacting clause and insert:

"That sections 8, 9, and 15 of the act entitled 'An act revising and amending the various acts establishing and relating to the reform school of the District of Columbia,' approved May 3, 1876, be, and they are hereby, amended as follows:

"Amend section 8 so that it shall read as follows:

"SEC. 8. That whenever any boy under the age of 17 years shall be brought before any court of the District of Columbia, or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing him to imprisonment in the county jail or fining him, may commit him to the reform school, to remain until he shall arrive at the age of 21 years, unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the reform school, first, any boy under 17 years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under 17 years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under 17 years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under 17 years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school. And the president of the board of trustees may also commit to the reform school such boys as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths."

"Amend section 9 so that it shall read as follows:

"SEC. 9. That every boy sent to the reform school shall remain until he is 21 years of age, unless sooner discharged or bound as an apprentice."

"Amend section 15 so that it shall read as follows:

"SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all boys committed to the school, as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the District of Columbia."

"Amend the title so as to read:

"An act to amend sections 8, 9, and 15 of the act entitled 'An act revising and amending the various acts establishing and relating to the reform school in the District of Columbia,' approved May 3, 1876."

Mr. McMILLAN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### OSAGE INDIAN RESERVATION LANDS.

Mr. PETTIGREW. I offer a resolution, and ask that it may lie on the table until to-morrow.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to furnish to the Senate all documents, correspondence, reports, and papers relating to the leasing of grazing lands on the Osage Indian Reservation, Oklahoma Territory, since the 1st day of January, 1899; also all orders relating to



Osage grazing lands issued to any official of the Department and reports of all collections made by said officials and others since that date on account of said pastures; by and from whom the money was collected, the amount thereof, under what date and by what authority, and whether any official or members of his family is directly or indirectly interested in said pastures or leases; also if any Government official or other person collects or has collected what is known as "permit money," or per capita tax, on said reservation, the amount thereof, and by what authority, since November 1, 1896, or whether any of the licensed traders are engaged in the cattle business or have pasture leases on the Osage Reservation, and whether white men are holding Osage tribal officers, and whether Harry B. Pray, a white man, has issued notices to the voters of the Osage Nation to hold conventions to nominate and elect Osage officials.

The PRESIDENT pro tempore. The resolution will go over under the rule. That was the request of the Senator from South Dakota?

Mr. PETTIGREW. That was the request.

#### WASHINGTON TELEPHONE COMPANY.

The PRESIDENT pro tempore. Does the Senator from Arkansas desire his resolution to be called this morning?

Mr. JONES of Arkansas. I do.

The PRESIDENT pro tempore. It was laid on the table subject to the Senator's call. The Chair lays before the Senate the following resolution.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on the 26th instant, as follows:

*Resolved*, That the Committee on the District of Columbia be discharged from the consideration of H. R. 9047, "An act to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia," and that the same be placed on the Calendar.

Mr. McMILLAN. Mr. President, I rather think that I ought to object to the resolution. The bill is in the Committee on the District of Columbia. It is in the hands of a subcommittee, of which the Senator from Vermont [Mr. PROCTOR] is the chairman. We have had a great many meetings, taking testimony and hearing both sides of this question. The only reason why the bill was not reported last week by the committee was because a Senator made a statement that the company which proposes to tear up our streets here and put in new poles, and all that sort of thing, was not able financially to carry out their plans. The committee thought it was wise to allow the matter to lie over until we could hear from the Baltimore people who are interested, and find out whether the company is able to install a proper telephone plant and give proper telephone service.

A delegation of Baltimore people were here only a few days ago. I was in the committee room at the time, although I am not on the subcommittee, and they satisfied me, as one of the members of the committee, that this company is able to introduce a proper service in the District. Out of courtesy to the Senator from Maryland, who telegraphed me on last Friday to put the bill over until he could be here, the matter was laid over for another week.

Under those circumstances, Mr. President, I do not think it would be wise to take the bill from the committee. The committee are acting on it and intend to make a report.

Mr. JONES of Arkansas. Mr. President, I had no desire to press the committee unduly. We are all aware of the fact that the old telephone company have disregarded the act of Congress that was passed undertaking to regulate their rates of toll. We know that the new company propose to put in a telephone line here at very much lower rates than the old one. We believe, as the old company have a monopoly here, that any other company that propose to put in a telephone line at their own expense and charge very much lower rates of toll than the old company ought to have a right to do it.

But with the statement made by the chairman of the committee on this subject, who I know acts in perfect good faith and in entire frankness on all occasions, I am willing that this matter shall go over, with the hope that at the next meeting of the committee it will agree to report the bill. But I do think there should be action by Congress on the bill, as it is a House bill, before the Senate adjourns.

Mr. HALE. Mr. President, before the matter passes from the consideration of the Senate I certainly hope that the committee will report on this measure one way or the other, so that the Senate may get at it in a very short time. There is a feeling among a great many people in Washington that the matter is unduly delayed. People do not get the explanation the Senator from Michigan has given, and has given in good faith and in seriousness. There is a feeling that the old company is obstructing this matter and is, by virtue of the delay which it is able to secure, going to prevent any action by the Senate at this session. I think some account ought to be taken of that feeling. We are to be here only a few days longer; we shall adjourn on the 6th, I have no doubt, which is only ten days ahead, and I hope the Senator from Michigan will see to it that we get a chance at this bill in the Senate.

Mr. PROCTOR. Mr. President, I agree with the chairman of the committee. I am very sure there has been no unnecessary delay on his part or on the part of the subcommittee, at least so

far as I am concerned. I am in favor of a special meeting and a prompt report upon the measure, and if the committee is not able to agree promptly I shall certainly favor action by the Senate, taking the bill from the committee, as proposed by the Senator from Arkansas. The delay so far, I wish to say, has been for good reasons. It could not be avoided by those who are in favor of a report and in favor of the House bill.

Mr. JONES of Arkansas. Mr. President, that is entirely satisfactory to me.

Mr. GALLINGER. Mr. President, as a member of the Committee on the District of Columbia I desire simply to say that I am quite at a loss to understand this movement to discharge the committee from the consideration of the bill that they have given attention to and are at the present time giving attention to. The fact is that the subcommittee has not yet made a report on the bill to the full committee. Neither am I so sure that a majority of the committee will be in favor of reporting the bill with a recommendation that it be enacted into a law. For one I am free to say that I am opposed to the bill. I do not believe it is good policy to tear up the streets of the city of Washington to permit another telephone company to be installed here, to do beyond a question precisely what the competing electric lighting company did, which I opposed; in other words, tear up the streets, and then have the new company consolidate with the old company and not reduce the rates of electric lighting.

I have been consistent as a member of the committee and a member of this body in opposing these propositions, and to the best of my ability, as the matter now stands, I shall be found in opposition to this bill if it shall be reported to the Senate.

Mr. JONES of Arkansas. The Senator seems to have some doubt about this matter. He says he is at a loss to know how this resolution came here. I can explain that to him.

The House passed this measure some time since and it went to the committee here. I for one have believed that there ought not to be a monopoly of telephone services in this District. I believe that the rights and privileges exercised by this old company have been unreasonably exercised; that they have charged rates beyond what are fair. I believe that there should be competition. Believing that, without the suggestion of any human being on earth, and on my own motion, I offered the resolution that is pending, in the belief that there might be some truth in the understanding that the influence of the old company was preventing the bill from being reported from the committee, and fearing there might be a majority of the committee, like the Senator from New Hampshire, opposed to the passage of the bill. But as I believe the majority of the Senate are in favor of passing it I wanted the Senate to have the right to say something about it.

I am perfectly satisfied with the statement made by the Senator from Vermont, and by the chairman of the committee, and am perfectly willing that the resolution shall lie on the table and await the further action of the committee.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the resolution lie on the table subject to his call. Is there objection? The Chair hears none, and it is so ordered.

ALICE V. COOK.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, ordered to lie on the table, and be printed:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 24th instant (the House of Representatives concurring) I return herewith the bill of the Senate No. 234, entitled "An act granting a pension to Alice V. Cook."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 28, 1900.

#### NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 28, 29, 30, 31, 32, 44, 47, 55, 56, 57, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38, 39, 40, 43, 46, 49, 59, and 61; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Emergency fund, Navy Department: To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, \$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: After the word "Carolina," in line 4 of said amendment, strike out the word "are" and insert in lieu thereof the word "is;" and after the word "forthwith," at the end of line 5, insert the following: "appoint a board of naval officers, whose duty it shall be to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,105,867.32;" and the Senate agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: After the word "improvements," in line 15, page 33 of the bill, insert the following: "and for all additional land needed and required to carry out the aforesaid plans;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert as a separate paragraph the following:

"Section 13 of the act approved March 3, 1899, entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' is hereby so amended as to provide that nothing therein contained shall operate to reduce the pay which, but for the passage of said act, would have been received by any commissioned officer at the time of its passage or thereafter."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$13,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"During a period of twelve years from the passage of this act any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed shall receive the pay and allowances of an officer of the active list of the grade from which he was retired."

And the Senate agree to the same.

On amendments numbered 9, 50, 51, 52, 53, and 58 the committee of conference have been unable to agree.

EUGENE HALE,

GEORGE C. PERKINS,

B. R. TILLMAN,

*Managers on the part of the Senate.*

GEORGE EDMUND FOSS,

ALSTON G. DAYTON,

AMOS J. CUMMINGS,

*Managers on the part of the House.*

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BUTLER subsequently said: I want to inquire if the conference report is a complete report; in other words, are there any items yet in dispute between the two Houses?

The PRESIDENT pro tempore. There are.

Mr. BUTLER. I should like to inquire what items are still in dispute?

Mr. HALE. The only items that we failed to agree upon are the surveys, the course of instruction for cadets, and the armor-plate proposition.

Mr. BUTLER. I desire to inquire as to the Port Royal station, whether the conferees agreed on the amendment which was put on the bill in the Senate, allowing the Secretary of the Navy to survey the harbor at Charleston and remove the station there if he saw fit to do so? Did the House conferees agree to do that?

Mr. HALE. That was agreed to.

Mr. BUTLER. In the shape the Senate passed it.

Mr. HALE. Practically.

Mr. BUTLER. Did not the conferees open it so that the Secretary of the Navy could investigate and report as to the propriety of removing the station to some place in North Carolina or South Carolina or Georgia?

Mr. HALE. No. The committee discussed that, and felt that in view of the fact that the station is in the State of South Carolina and that it was deliberately established in that State we ought not to seek to go outside of the State.

Mr. BUTLER. Did not the conferees have before them any information from the Department that there were better harbors than Charleston? Was there not such information from the engineers of the Department?

Mr. HALE. The conference committee discussed the matter at considerable length, but it did not have any information of the kind the Senator suggests sufficient to open the question of the location in other States.

Mr. BUTLER. I will say to the Senator that I know there was such information furnished to a Representative in the other House from one of those States, and I understood he was going to appear before the committee. I saw myself the information which was given him, and supposed that that was given to the conference committee, or else I should have gone myself before the conference committee and presented it.

I will state to the Senator from Maine and to the Senate that the engineers are of the opinion that there are better locations both in Georgia and in North Carolina than the one at Charleston. This is a serious matter after our experience of spending a million dollars at Port Royal to go now to Charleston, when there is more water at Wilmington and at Southport than there was at Charleston ten years ago or than there is now. When the *Raleigh* went to Wilmington on its visit it was able to enter the harbor, and when it went down to Charleston a few days afterwards it stuck on a sand bar. This is a very serious matter to pass over without considering it fully.

Mr. HALE. It was not passed over without consideration. We spent considerable time upon it. We thought that Wilmington was too far north, too near to Norfolk, where there is a navy-yard, and when we passed along to the south it was established

in South Carolina. We did not do this unadvisedly, I assure the Senator. We discussed it fully; and there was some debate and some considerable sentiment in the conference for opening the question, but, looking at it broad and large, at last we came to the conclusion that is indicated in the report.

Mr. BUTLER. The difference in miles in the location of Wilmington and Charleston is too small for us to sink a million dollars for a dry dock at the place that is not the best for it. Besides, if there is a better place in Georgia, I would not ask to have the station go to Wilmington. We want the best location; and that should be the desire of every Senator. Of course I should be glad if the best location would be found to be in my State. I simply want it located at the best point, where the money that will be spent will be of the greatest service to the Government. If Wilmington is too far north, I understand there can be found a better place for a dry dock in Georgia than in South Carolina. I have nothing against South Carolina, but we do not want to sink another million dollars on a dry dock, as we have done at Port Royal, and then be informed that the whole thing is a failure, that the money has been wasted, and have to remove it again.

I am disappointed at this report, for I had reason to believe that the House conferees would not agree to let that amendment pass in that shape, or, as I have said, I myself should have gone before the conference committee. I trust the Senator from Maine will permit the vote by which the report has been agreed to to be considered, so that I may be given an opportunity to go before the conferees.

Mr. HALE. I can not do that, of course. I am instructed by the entire conference. We can not please everybody.

Mr. BUTLER. It is not a question of pleasing me. It is a question of what is the best location, and I am sure that the conferees themselves must be in doubt about Charleston being the best location.

Mr. HALE. No; the committee believe it is the best location.

Mr. BUTLER. Did the committee have any information from the Navy Department or from the engineers?

Mr. HALE. Plenty of it.

Mr. BUTLER. I will say to the Senator that I have seen with my own eyes an official statement that Charleston is not the best location.

Mr. HALE. There has been a great deal of dredging going on in the harbor and river at Charleston. It is not such a harbor as that at New York, but there will be 31 feet of good water; and it will be a good place, as the committee believe, and so they came to that conclusion.

I can not, of course, consent to have the conference report reconsidered and review the whole matter again.

Mr. BUTLER. I feel constrained to move to reconsider the vote by which that item of the conference report was agreed to.

The PRESIDENT pro tempore. That would not be in order. The report of a conference committee must be either accepted in full or rejected.

Mr. BUTLER. Then I move to reconsider the vote by which the Senate agreed to the conference report.

The PRESIDENT pro tempore. The Chair will consider that an open question, as the Chair declared the report agreed to without any but a viva voce vote. The question is on the acceptance of the report.

Mr. CHANDLER. Mr. President, I wish to say to the Senator from North Carolina [Mr. BUTLER] that this plan of moving the navy-yard from Port Royal to Charleston was a Navy Department project. It was not originated in the Senate. It was distinctly a move of the Secretary of the Navy. There may be differences of opinion among naval officers, but the subject was taken up, as the Senator knows, at the suggestion of the Secretary of the Navy. So we have the Department's opinion that the station should be given up at Port Royal, and that it should go to Charleston. Of course, if we knew there was not water enough on the bar and there could not be water enough on the bar to make it advisable to have a navy-yard there, we should refuse to locate it there.

I am distinctly in favor of the proposition of the Navy Department as it comes to us. If the yard is to be moved from Port Royal, I am in favor of locating it at Charleston, and under the circumstances am not in favor of either taking it to Savannah or to Wilmington. Of course, the Senator has a perfect right to test the sense of the Senate on that proposition.

Mr. BUTLER. If the Senator is a partisan in the matter and has made up his mind to remove this station to Charleston, whether it is the best or the poorest place, there is no use of talking to him about it, and I do not expect to have any influence with him. He announced himself a few days ago as a partisan of Charleston, and that even if it is the poorest harbor he was in favor of going there.

Mr. CHANDLER. No; the Senator is getting a little wrong there. I have never said I was in favor of Charleston whether it was the best harbor or not. I never said anything of the kind.



I have said I thought there was a good harbor at Charleston, and if a change was made it ought to be limited to South Carolina. But when the Senator says I am a partisan, he merely means I am an advocate of what I believe in; and in that sense I do not object to having him use the word; but all the committee, other than the Senator from North Carolina, I think, convinced themselves that it would be a wise thing to do, and the wisest thing under all the circumstances.

Mr. BUTLER. The Senator stated a few days ago that he was not in favor of moving it at all unless it went to Charleston, and admitted at the same time that Port Royal was a failure, and if we spent more money there it would be wasted; but he said even if we sunk more money he was in favor of it going to Charleston. I then asked him if there was a better harbor at Wilmington or Savannah, would he favor Charleston; and he said he would. That is what the RECORD will show as the Senator's position.

Mr. CLAY. Will the Senator from North Carolina let me ask a question?

Mr. BUTLER. Certainly.

Mr. CLAY. This amendment, if I understand it, authorizes the Department to make an examination at Charleston and report whether there should be a removal from Port Royal to Charleston?

Mr. BUTLER. Yes.

Mr. CLAY. And the Senator is in favor of this amendment going further and authorizing the Department to make an examination at Savannah, Ga., and in North Carolina, and report as to the best place?

Mr. BUTLER. Yes; to report as to the best place.

Mr. CLAY. So that if any change is to be made, then to let the station be located at the best harbor that can be found?

Mr. BUTLER. Certainly.

Mr. CLAY. Is not that just and proper, whether the best place be in Georgia, in North Carolina, or in South Carolina?

Mr. BUTLER. I believe everybody is in favor of that except the Senator from New Hampshire. That is exactly the proposition.

This bill authorizes an examination to see whether or not this dry dock shall be removed from Port Royal, and it limits the place to be selected to Charleston. What harm can there be in leaving it open, allowing an investigation to be made at Wilmington and Savannah as well as at Charleston? Who can oppose it, unless those who are afraid there is a better place than Charleston? If Charleston is the best place, the report will be that way, and then the money will be expended there. If Charleston is not the best place, the Secretary of the Navy will report in favor of one of the other places, and then the million dollars will be spent there. That is all there is in it.

If we are going to move this station, we certainly ought to put it at the best place, and I can not understand how anybody can oppose allowing an investigation to ascertain which is the best place in those three States. It will be still open for Congress to act, with all the information before us, and we can decide where it shall go.

The Senator from New Hampshire is opposed to information. He seems to be afraid that Wilmington will show up as the best place, or that Savannah may show up as the best place. There can be no other possible explanation of his position.

Mr. CHANDLER. Mr. President, I do not remember the language of the debate exactly as the Senator from North Carolina has stated it. Possibly he can find that I said that I preferred to have this go to Charleston if there was a better place somewhere else, but I do not think I said that. I certainly did not mean it. I said that I was satisfied that there was water enough at Charleston, and that under the circumstances, the Department having submitted this proposition to us for a removal, I had made up my mind and was in favor of the change to Charleston; but of course the Senate can make further investigation if it sees fit.

Mr. CLAY. I have been assured by the Navy Department that they have no desire in regard to this matter except to find the best location. All in the world we ask is that this examination be extended to Savannah and that it be extended to North Carolina, that all three of these places be reported on, and after [the report has been made let the best harbor be selected. All we desire is that Georgia and North Carolina shall not be shut out in the event that there is a change. I am informed by the Navy Department that there is no possible objection to this investigation being extended both to North Carolina and to Georgia.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BUTLER. Let us have the yeas and nays, Mr. President. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. PENROSE (when his name was called). I am paired with the Senator from Delaware [Mr. KENNEY]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and will vote. I vote "yea."

Mr. PLATT of New York (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. HEITFELD]. I should like to inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Idaho has not voted.

Mr. PLATT of New York. Then I withhold my vote.

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. QUARLES (after having voted in the affirmative). I voted inadvertently, not noticing the absence of the Senator from Texas [Mr. CULBERSON], with whom I am paired, and so I withdraw my vote.

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. PENROSE. The Senator from Rhode Island [Mr. ALDRICH], to whom I transferred my pair with the Senator from Delaware [Mr. KENNEY], having entered the Chamber and voted, I will transfer my pair with the Senator from Delaware to the junior Senator from Maryland [Mr. MCCOMAS], instead of the Senator from Rhode Island, as I previously stated, and will let my vote stand.

Mr. MORGAN. I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. BUTLER (after having voted in the negative). I am paired with the Senator from Maryland [Mr. WELLINGTON]; but I will transfer that pair to the Senator from South Dakota [Mr. PETTIGREW], and will let my vote stand.

I suggest to my colleague [Mr. PRITCHARD] that he transfer his pair to the Senator from Mississippi [Mr. SULLIVAN]. I am informed the Senator from Mississippi would vote with us on this proposition, if present.

Mr. PRITCHARD. At the suggestion of my colleague I transfer my pair with the Senator from South Carolina [Mr. MC LAURIN] to the Senator from Mississippi [Mr. SULLIVAN], and I vote "yea."

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from New Jersey [Mr. SEWELL], and vote. I vote "yea."

Mr. TALIAFERRO. My colleague [Mr. MALLORY] is necessarily absent from the Senate. He has a general pair with the Senator from Vermont [Mr. PROCTOR].

Mr. DAVIS. I transfer my pair with the senior Senator from Texas [Mr. CHILTON] to the Senator from West Virginia [Mr. ELKINS], and vote. I vote "yea."

The result was announced—yeas 35, nays 11; as follows:

## YEAS—35.

Aldrich,	Deboe,	Kyle,	Ross,
Allison,	Depew,	Lindsay,	Scott,
Baker,	Fairbanks,	Lodge,	Shoup,
Berry,	Frye,	McMillan,	Stewart,
Burrows,	Hale,	Martin,	Teller,
Caffery,	Hanna,	Penrose,	Thurston,
Chandler,	Hawley,	Perkins,	Tillman,
Clark,	Hoar,	Pettus,	Wetmore.
Davis,	Kean,	Platt, Conn.	

## NAYS—11.

Bacon,	Clay,	Harris,	Taliaferro,
Bate,	Cullom,	Money,	Vest.
Butler,	Gallinger,	Pritchard,	

## NOT VOTING—40.

Allen,	Foster,	McEnery,	Rawlins,
Bard,	Gear,	McLaurin,	Sewell,
Beveridge,	Hansbrough,	Mallory,	Simon,
Carter,	Heitfeld,	Mason,	Spooner,
Chilton,	Jones, Ark.	Morgan,	Sullivan,
Cockrell,	Jones, Nev.	Nelson,	Turley,
Culbertson,	Kenney,	Pettigrew,	Turner,
Daniel,	McBride,	Platt, N. Y.	Warren,
Elkins,	McComas,	Proctor,	Wellington,
Foraker,	McCumber,	Quarles,	Wolcott.

So the report was agreed to.

Mr. HALE. I move that the Senate further insist on its amendments numbered 9, 50, 51, 52, 53, and 58, upon which the conferees were unable to agree.

The motion was agreed to.

## PANAMA CANAL.

Mr. MORGAN. Mr. President, in some remarks I made the other day on the subject of the bill for the government of the Philippines I referred to papers which had reached the Department too late for me to get copies of to use on that occasion. They are papers that are very important in connection with the statement I was then making, and I now ask leave to print them in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. HOAR. What are the papers?

Mr. MORGAN. A protest from the revolutionary government, as they claim to be, a government in Colombia, against the extension of the cession of the Panama Railroad Company.



The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none.

The papers referred to are as follows:

THE PANAMA CANAL—MANIFESTO.

Motives that are both legitimate and noble have prompted the Liberal party of Colombia to take up arms in order to insure to the country freedom to establish a régime that will guarantee the progress and the very existence of the Republic, which are to-day threatened by institutions not framed nor sanctioned by the people, and by functionaries who have received their authority through absolute disregard of and violent opposition to the will and opinion of the majority of citizens. Both nature and tradition have impelled the patriotic people of Colombia to rebel against a condition of things in which they are prevented, de jure as well as de facto, from exercising their legitimate, natural rights, in which a great party has been deprived of its political freedom, and in which the pacific development of the country has been arrested. It is only after exhausting all peaceable means that war has been resorted to as a last and extreme measure—a dire measure, but one dictated and imposed by necessity.

The men that are to-day struggling to recover their rights constitute the Liberal party, and form the great majority of the Colombian people. Anyone who compares the condition, both civil and political, of our people under the system of government that existed in this country for nearly half a century with the conditions created by the so-called regeneration system will no longer take that attitude of contemptuous commiseration with which our civil wars are often regarded by peoples who have already attained that liberty and security after which we are still striving, and he will understand the significance of the present revolutionary movement, which already begins to put an end—forever, we hope—to the oppressive government imposed on our unfortunate country.

We, the undersigned, have the honor of being the authorized representatives of the Liberal party, and therefore of the Colombian people, and the following statements and declarations, being the faithful expression of the country's will, through a government that will soon be the only recognized government of the Republic, should carry the weight that always attaches to the utterances of a whole nation.

The contracts that the government of Dr. Manuel Antonio Sanclemente may make, without being legally authorized therefor, neither are nor will be recognized by the revolutionary government.

The president of the Republic, Dr. Sanclemente, is not empowered to make contracts involving national interests without the assent of the legislative body appointed by the people. Whatever is done without that assent is therefore void.

We make these statements mainly to prevent all negotiations relating to an extension of time in the contract now in force with the Panama Canal Company. We concur in and sanction the statements that on the same subject have been made by an authorized representative of the revolution, Dr. Alirio Diaz Guerra, and those that will be made by Dr. Antonio Jose Restrepo, an agent especially appointed to act for the provisional government in this and other important matters.

The relations between the company and the Republic of Colombia are of a purely civil nature, and fall, of course, under the jurisdiction and laws of this country. The present government is not empowered or authorized by any law whatsoever arbitrarily to alter the terms of the contract now in force.

The Liberal party of Colombia considers it an act of criminal resignation to allow the repudiated government to endanger the future of the country by an imprudent negotiation; and one of the objects of the war in which that party is now engaged is to prevent, or at least oppose, the further sacrifice of the interests of the Republic.

G. VARGAS SANTOS.  
FOCION SOTO.

CUCUTA, April 20, 1900.

[Cablegram.]

CUCUTA, April 20, 1900.

To the President of the Panama Canal Company, Paris:

SIR: We have been informed that the government of Mr. Sanclemente, whose authority is no longer recognized in this country and whose very existence will soon cease to be, intends to close, through his agents, the negotiation relating to an extension of the time stipulated in the contract now in force. Although it is to the interest of every concern like the company that you so ably represent to inquire into the legal faculties of parties professing to transact business in the name of a whole nation, and although we have no doubt that, in view of the circumstances, the company will abstain from entering into a contract with a government that is not legally empowered for the purpose, but whose acts in matters of this kind are subject to revision by the national Congress, we think it our duty to inform you that the provisional government of Colombia, of which we have at present the honor of being the highest officers, will not approve any alterations in the contract now in force without the assent of the legislative convention that will assemble as soon as the war is over.

Having fulfilled our duty in communicating to you this information, as well as the manifesto we have issued on the same subject, and which will be made known abroad through the foreign press, we remain, dear sir,

Yours, very respectfully,

G. VARGAS S.,  
Supreme Director of the War and Chief of the Liberal Party of Colombia.  
FOCION SOTO,  
Major-General, Chief of the General Staff.

NEW YORK, May 3, 1900.

MR. PRESIDENT: On the 3d instant I had the honor to address you a cablegram in the following terms:

"President Panama Canal Company, Paris:

"The extension obtained at Bogota is void. The victorious revolution will not recognize it. Do not deliver your money to the government of Mr. Sanclemente. The coming convention or congress will reject that contract. Will send protest by mail.

"RESTREPO,

"Representative of the Revolution."

In fulfillment of the latter part of this document I send you the present letter, which is the formal protest of the provisional government of the Republic of Colombia, of which I am the authorized representative, against the contract or agreement lately made in Bogota between the government residing at that city and the company that you so ably represent.

It appears from cablegrams received from that capital that the Panama Canal Company has obtained a six-year extension to finish the work in the Isthmus, through certain compensations made to the Colombian Government, among which is mentioned the immediate or early payment to that Government of a large amount of money.

Not having any precise data to form an opinion as to the nature of the contract entered upon, or as to the advantages or disadvantages which would intrinsically accrue therefrom to the contracting parties (matters which, so

far as the company is concerned, it is not my place to investigate, while, so far as the Government is concerned, such investigation would be foreign to the object of this letter), I shall confine myself to deny, as I emphatically deny, the government of Mr. Sanclemente the legal faculty to make a contract of this character which shall be final. It is well known that contracts made by persons not legally qualified are in themselves void.

In the sessions of the 1898 National Congress the question was discussed as to the advisability of legislating with regard to the granting of the extension under consideration, but the discussion gave no practical results, as it led to no final decree and only served to strengthen, if that was possible, the conviction that only the Congress of the Republic might constitutionally and legally decide in one sense or another this delicate point of public administration.

Afterwards the executive, although knowing from this discussion what the national will and opinion were, decided, not without loud protests from the press of the country, to send to France, before the company, a responsible commissioner to prepare an ad referendum contract on the extension of the expiring concession. It seemed that it was his intention to be able to present to the coming Congress a complete, logical, and luminous document, which would prove the advantageousness of the negotiation and would make it acceptable to the Colombian people, even to those who had the least faith in the sincerity and commercial reliability of the company, whose previous extensions of time had expired without any benefit to the country or any appreciable progress in the work commenced. The prominence of the commissioner himself, Dr. Esguerra, was adduced by the Government as a guaranty of its sincerity and honorable purpose. The commissioner left, and the country waited with great anxiety.

More than a year elapsed without any news of the mission intrusted to Dr. Esguerra; more than a year of words, interviews, consolations, and procrastinations; and, when the country expected an acceptable solution, it has only received the sad news that its interests have been postponed to other interests not yet known. In October of last year civil war broke out in Colombia, and the country was officially declared in a state of siege, whereby the law of the country underwent a partial, but only partial modification. According to article 121 of the national constitution the President of the Republic became invested with certain extraordinary faculties relating to the war, and about matters of a provisional character directed to the reestablishment of peace and the preservation of order. For these purposes, but not for any others, the executive was invested with such faculties; but even within these limits all measures that it may take, its acts and its decrees, are subject to the subsequent resolutions of Congress.

Owing to the high opinion that was entertained as to Mr. Sanclemente's character, no one in Colombia thought that he would take advantage of the anomalous situation created by the civil war to meddle with forbidden subjects, interrupt a negotiation that was being conducted at Paris in an honest and decorous manner, and, violating all constitution, laws, and principles of morality, undertake the underhand work in which we now know he is engaged.

Such, however, has unfortunately been the case. I know now, and soon the whole of Colombia will know, that the government of Mr. Sanclemente and his ministers have taken the negotiation off Dr. Esguerra's hands, and that they have made in Bogota an illegal contract without the knowledge of their own commissioner and to the great detriment of the dearest interests of the country.

The provisional government of the Republic, consisting of Gen. Vargas Santos, commander in chief of the revolutionary army, and his chief of staff, Dr. Focion Soto, were informed that something illegal, something of the nature of treason was taking place in the official regions with respect to the canal affairs. They were apprised from Bogota itself that it was necessary for them to hasten to the defense of interests that were even of more importance than those which they were defending on the battlefield.

It was then that the new government decided to intervene in this matter, which they had thought was guarded against illegal interference; a problem which, in the hands of Dr. Esguerra, would have found a natural and just solution, and would have been consequently considered by the sovereign authority in a partial spirit and with a liberal mind.

Under the present circumstances, however, in view of the manner and conditions in which that negotiation has been carried out, and seeing that the patriotic anticipations of my constituents have been justified, I hereby protest in their name, in the name of the Liberal party of Colombia, and of all the Colombian people, not only against the form in which that negotiation may have taken place, and against its present and future validity, but also against the presumptive lack of good faith shown by the company, who, with a knowledge of all the facts, has contracted with persons not legally qualified, and has besides ignored the ad hoc commissioner in charge of the negotiations to deal with an insignificant clique, who are on the point of being expelled from the office they have disgraced. The company attended, through their attorneys, the sessions of the 1898 Congress, in which this matter was discussed. They afterwards began an ad referendum negotiation with the commissioner, Dr. Esquerra, and now the same company are contracting with persons that they know very well have no legal power for that purpose. It follows, therefore, that the company have acted throughout this matter with perfect knowledge of what they are doing, and to-morrow they will have no right to complain or pose as victims.

The government for whom I have the honor of speaking represents more than half of the republic. It has armies on land and men-of-war on the sea. At present it wages a civilized war against the dishonest and oppressive government that has signed the extension under consideration, and the new government does not, and will not, recognize or approve the suspicious (to say the least) concession that the canal company has just obtained at Bogota.

Whether said new government shall modify the present constitution of the country through a national convention, or whether the extension is to be considered by the ordinary congress, the company may rest assured that the legitimate representatives of the Colombian nation will never give their assent to this transaction.

Being certain that I am faithfully interpreting the wish of my constituents and of the great majority of the Colombian people; being equally certain that the revolution will be victorious in two months at the most, and not wishing the French company to lose any amount of money that they may now deliver to the Government at Bogota, I wish to warn them in time, that they may be on guard against the schemes of the unprincipled clique that surrounds the old president of the tottering régime.

I am, of course, aware of the fact that governments are considered continuous in their existence and solitary in their responsibilities, and this is no doubt the principle depended upon by the company in its present undertaking. But the company should not forget that there is another principle which in Colombia is recognized as constitutional, namely, the right of revision by a new government of the acts of its predecessors. What was illegal and void under the former can never be legal and valid under the latter. So that, if the day of revision comes, as it will undoubtedly come, let not the company allege their ignorance of the true state of affairs nor bring forth expenses already incurred and payment already made.

This letter and cablegram copied above explain what the actual state of affairs is. Later on Colombia will decide what it is best for her to do. At



present it concerns the company, before disbursing their millions, to become posted regarding this important matter.

It is with regret that I have fulfilled this duty, which is not of a pleasant nature; but my instructions in this respect are final. I wish moreover to add that one of my constituents has already anticipated me. Dr. Foción Soto has protested from his headquarters, and as soon as that protest reaches me I shall have the honor of forwarding it to you. Dr. Alirio Diaz Guerra, authorized spokesman of the revolution in this country, has also protested through the press against the negotiation made at Bogota. I herein inclose the documents relating to the subject.

As anyone who undertakes to speak for another should produce his credentials, and as distance does not allow me to do so in the present case, mine are at the company's disposal in Washington, D. C., at the Hotel Cochran. I am, dear sir,

Your obedient servant,

A. J. RESTREPO.

*The President of the French Panama Canal Company, Paris, France.*

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound, and to lay railroad tracks thereon;

A bill (H. R. 10897) to amend section 4414, Title LII, Revised Statutes of the United States; and

A bill (H. R. 11281) permitting building a dam across New River.

The bill (H. R. 10700) to confirm a lease with the Seneca Nation of Indians was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes, was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. J. Res. 247) to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE EPES.

Mr. DANIEL. Mr. President, I desire to give notice that on Monday, the 4th of June, at 4 o'clock p. m., I shall present resolutions respecting the life, character, and public services of Hon. SYDNEY P. EPES, late a Representative from the Fourth district of Virginia.

#### SOUTH AFRICAN REPUBLICS.

Mr. WELLINGTON. Mr. President, I desire to call up the resolution submitted by the Senator from Colorado [Mr. TELLER] relative to the South African war.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution indicated by the Senator from Maryland, which will be read.

The Secretary read the resolution submitted by Mr. TELLER on the 2d instant, as follows:

Whereas from the hour of achieving our independence as a people the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the war between Great Britain and the South African Republics, and, with full determination to maintain a proper neutrality between the contending forces, we can not withhold our sympathy from the struggling people of the Republics, and it is our earnest desire that the Government of the United States, by its friendly offices offered to both powers, may assist in bringing the war to a speedy conclusion in a manner honorable to both Great Britain and the African Republics.

Mr. WELLINGTON. Mr. President, the Congress now in session will not have performed the whole measure of its duty if it does not, before adjournment, in addition to the passage of the usual appropriation bills and the enactment of such needful local legislation as the time demands, take cognizance of other important matters, which chiefly concern our foreign relations. First, it should provide for the redemption of our pledge to Cuba, that she should be free, under a government of her own choosing. Second, it should declare our policy regarding the Philippine Islands. For it is our positive duty to announce whether or not perpetual annexation is contemplated. I have already expressed my unalterable opposition to the permanent acquisition of the Philippine Archipelago and appealed for the granting of the right of self-government under our protection to the people of the islands. Beyond this there is another question which claims our serious attention.

For months past a marvelous and most wonderful tragedy of war has been enacted between a great Empire and an infant Republic. Great Britain, the mightiest of the colonizing nations of Europe, has attempted the conquest of the South African Republic. The Boer of the Transvaal and the Burgher of the Orange Free State have, with courage undaunted and fortitude beyond compare, endeavored to maintain their independence.

The sympathy of our nation has gone out to this fearless, intrepid people, but the Administration has refused to give official recognition to its envoys, and Congress has failed to sanction the

resolutions of sympathy offered by the Senator from Illinois and the Senator from Colorado. The first lies buried in the archives of the Committee on Foreign Relations; the latter on the table of the Senate.

Unless our sympathy is to be valueless, the resolution of the Senator from Colorado should be passed before adjournment. Unless we are recreant to the principles we have been taught to honor, we should act—give sympathy and grant recognition. Overwhelming numbers threaten to crush a band of liberty-loving men, and unless the great Republic of the West greets her sister in South Africa now, it will be too late.

On the evening of the 20th of the present month a great assemblage of the inhabitants of this city welcomed to our midst the envoys of the South African Republic. It was a notable gathering. With unbounded enthusiasm the citizens of the capital of the Union gave greeting to their South African guests. A memorial was adopted with unanimous voice petitioning Congress to pass the resolution of the Senator from Colorado expressing sympathy for the Boer cause, and I was commissioned to present it to the Senate. I have executed the trust reposed in me, and today ask the indulgence of Senators that I may address them upon this subject.

It is but natural that republics should have sympathy for each other in time of trial and misfortune. But, sir, in the present instance there are special reasons for heartfelt affection, fellow feeling, and tender compassion. The history of our sister republics of South Africa, the sufferings of their people, are similar in many particulars to our own. Their foe has been our foe, and their battle for right is a repetition of our own. I shall, therefore, briefly draw the picture of the two national lives, compare them, and voice the conviction which must needs come, if we read aright the story of aspiration, struggle, triumph, and reverse of the Afrikaner, which so nearly resembles that of the patriot of America, and should entreat the descendant of the latter to clasp with strong hand and stand with firm determination by the offspring of the first.

Three centuries ago the various elements of the different European nationalities began in earnest to endeavor the settlement of the New World which the Genoese navigator had given by discovery to Castile and Leon. During the first century after the discovery the adventurous spirit of the Spaniard, the Frenchman, and the Englishman caused many voyages to be made to our shores, and in the southern part of the new continent the Spaniard had effected settlements, occupying the islands of the Caribbean Sea and the southern portion of the mainland, more especially Peru and Mexico. They had also established themselves in Florida and other portions of North America. It was not, however, until the beginning of the seventeenth century that active endeavor was made to permanently occupy our country. The Puritan landed at Plymouth Rock; the Cavalier, at Jamestown; the Catholic followers of Lord Calvert, at old St. Marys, in Maryland; the Quaker adherents of William Penn settled in the sylvan glades of the magnificent Commonwealth that bears his name; the Dutch under Stuyvesant, on Manhattan Island; the French Huguenots, in the Carolinas; the German and Swedish Lutherans, on the Susquehanna and other streams. These elements differed not only in national characteristics but also in ideas of civil government and religious faith. There was, however, a powerful bond between them. They desired to be free, to worship God according to the dictates of conscience, and govern themselves upon their own consent.

A century and a half later England became supreme in the eastern portion of the land now known as the United States of America. The Spaniards, the Dutch, and the French had yielded, and the British Crown and Parliament dominated the North American colonies. A century and a quarter ago these settlements had developed into thirteen colonies, containing 4,000,000 inhabitants. As they grew in importance Great Britain laid the mailed hand of authority heavily upon them; the spirit of resistance was aroused, and, making common cause, the representatives of the colonies, gathered in Continental Congress, bade defiance to English law and British government, issued the immortal Declaration which demanded for themselves that which they were willing to grant to all others—freedom and independence. They formed under the Articles of Confederation an alliance both offensive and defensive and began the Revolutionary war.

In the Declaration of Independence they drew an indictment against the British ruling power which will stand as an evidence of the tyranny and injustice of the government of England so long as our institutions exist or the English language is spoken. After enumerating numerous infringements upon their rights and privileges, they close the arraignment of the British King by proclaiming:

He has abdicated government here by declaring us out of his protection and waging war against us. He has plundered our seas, ravaged our coasts, and destroyed the lives of our people. He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is destruction of all ages, sexes, and conditions.



It was indeed an emphatic recital of injury, neglect, and oppression, and it recounted every species of national crime. It was eminently calculated to rouse opposition to British administration, to awaken the aspiration in the colonies to be free, and to attain "life, liberty, and the pursuit of happiness" untrammelled by interference from foreign power.

When the war for independence began, the colonists, knowing their own weakness and the overwhelming forces of the enemy, sought friendship, sympathy, and recognition in the courts of Europe. France not only gave sympathy but recognized the rebellious colonies as free and independent States. From every land in Europe came liberty-loving, heroic men and joined themselves to the cause of the patriots. Lafayette, of France; Von Steuben and De Kalb, of Germany; Pulaski, of Poland, and many other illustrious names stand in effulgent letters on the roll of honor. Without Rochambeau and De Grasse, who commanded the French contingent of the Army and Navy, the final triumph of the American cause would have been impossible. The patriots of the Revolution in the hour of victory freely acknowledged their debt of gratitude to the Bourbon King of monarchical France and the noble strangers who came to give generous aid.

After seven years of struggle, bringing all the mutations of fortune, hardships, and desolation incident to war, Great Britain was compelled to abandon the effort to enslave our people or longer claim their allegiance, and the treaty of peace making acknowledgment of our independence was concluded and ratified. But British hate now sat in the place of English power. Constitutional government began in the United States. The new nation rose from the prostrate condition into which it had fallen by the continued effort for freedom and began a career of advancement and progress so grand and glorious as to cause the astonishment and claim the admiration of all nationalities saving and excepting Great Britain. Unable by force to claim our service and fealty, she sought, while making amicable professions, by secret agencies to disrupt the Union and destroy our Government. Failing in this, the English ruling class resorted to piracy and every species of force upon the high seas. American ships were seized, American seamen impressed into English service, our flag insulted, our commerce harassed, and our ports blockaded. When remonstrance was made, the culprits who were guilty of the lawless acts were rewarded by their Government with honors and marks of confidence and esteem. This continued until the United States was forced, for the protection of its integrity as a nation, to declare war against Great Britain.

A second time England sent her armies against us to defeat and annihilate our people. She was as rancorous in 1812 as she had been in 1776. Her enmity found expression in acts of vandalism, rapine, incendiarism and plunder. Her armies descended upon our shores, destroyed our ports, harried our towns and villages. Fire and sword were employed by her soldiery, marines, and sailors, who vied with each other as to who should excel in the infamous and diabolical work of destruction. When Cockburn and Ross invaded Maryland and captured Washington they performed deeds of barbarism rarely if ever exceeded by savage tribes. The unbridled fury of their cohorts indulged in a carnival of blood. Our Government was forced to flee. Cockburn personally attended to applying the torch to public buildings, and the Capitol of the nation was utterly destroyed.

But, sir, the patriotism of our people was stirred; they rose up en masse. Ross was killed by two Maryland boys, and Cockburn, fearful that the same fate would befall him, boarded his ship with celerity and dispatch. Perry's victory on Lake Erie, Jackson's unparalleled success at New Orleans, turned the tide, and at last the English were again compelled to abandon their attempt at coercion and return to "perfidious Albion."

Again the white-winged dove of peace hovered above us and an era of prosperity began. The march of civilization to the westward was undertaken, the hardy spirit and strong arm of the pioneer pressed forward. The German and Scandinavian, the Scot and the son of Erin alike aided in the work, and great States were carved out of the hitherto unexplored sections. The splendid ability of Webster expounded the Constitution and strengthened the Federal Government. The genius of Clay achieved compromises between contending forces in the Republic, developed the policy of internal improvement, and created the American system of protection. In a half century the work of a thousand years was accomplished.

And what of England during this time? She had been thwarted in her attempt to throttle liberty when our nation began its course. She was beaten in her effort, by insidious and covert attack, to stay our advance. She had been defeated in her endeavor to subvert our Government, lay waste our land, make desolate our homes, and extirpate our people. She could not attain her desire, either by force or fraud. Her hostility had not abated. Her animosity had increased by reason of our phenomenal growth. She therefore adopted a new policy of antagonism to our institutions. She fostered and embittered internal dissensions in the

Union. She knew full well that from the beginning of our constitutional Government there had been contending ideas, which in the course of time threatened to become sectional. This was her opportunity. The literature of England, the expressions of her statesmen, the editorials of her great newspapers, and the whole trend of discussion in her periodicals showed hostility to and made attack upon the institution of slavery which existed in a portion of our country and cast its dark shadow over the Southern States of the Republic.

Notwithstanding the fact that she had but lately herself abolished slavery in her colonies, notwithstanding that she had herself profited by the introduction of slavery and its continuance in the American colonies previous to the Revolution, her assaults were frequent, vigorous, and venomous. She saw with pleasure the coming conflict, the inevitable struggle which must occur between the North and South. She inveighed against slavery; she urged the abolitionist of the North in his wildest endeavor, and the suspicion appears to be well founded that British agents aided John Brown in his first attempt at insurrection in Virginia. She added fuel to the flame upon every favorable opportunity, until at last the confirmation of her most sanguine hopes appeared to be realized in the civil war that came in our country.

The North and the South were separated, and the internecine struggle began; and yet, sir, when, in the throes of that titanic contest, the institution of slavery was about to pass away, England again gave evidence of her national hatred and hostility, of her malevolence and rancor, by giving recognition and aid to the Confederate States, then engaged in a war upon the Federal Government and for the perpetuation of slavery. She did not hesitate to give men and money, to send ships and munitions of war, to prey upon our commerce, destroy our vessels, and ruin our merchant marine. Is it difficult to account for her conduct? No; she desired a separation of the States, because in it she saw the entering wedge of her influence and power, for she appreciated the truth of the national motto, "In union there is strength," and she knew the force of Webster's inspired and prophetic utterance, "Liberty and union, now and forever, one and inseparable." She knew that the one depended upon the other and that if the Union were broken, liberty would soon be lost. But, thanks be to that Divine Providence which rules and guides the lives of men and nations, the new policy of Great Britain was no more successful than her previous endeavors.

Four years of bloody struggle, desolation, and death came, but the Constitution was strong enough to pass the ordeal, and the nation had enough of force and vigor to bind up its wounds, stand erect, and look out into the future with hopeful mien and exultant eye. The greatest of all Americans performed the task he had set unto himself, and Abraham Lincoln emerged from the war the chieftain and ruler of a reunited people, bearing in the one hand the renewed charter of American liberty and in the other the freedom and enfranchisement of a race. The old era had passed away. The institution which had been a barrier between the North and South was dead. The armies which had stood in opposition and battled with such heroism that should cause us in the future to discard the phrase "When Greek meets Greek" and substitute for it "When American meets American," melted away into citizenship, and another era of peace, progress, and prosperity began. Again the plans of Great Britain had been frustrated and she stood aloof, watching from afar the marvellous increase of our nation. From every land and clime the brain and muscle of the people came to our shores and found welcome, freedom, and fostering care. Every step in our advancement but increased British envy; every augmentation to our wealth and national power added to her spleen, but she knew that the time of attack by force had passed. Fraud had been unsuccessful, the new policy of creating and nursing internal dissension had proven an ignominious failure, and with unwilling hand she paid the Geneva award and cast about her for another method of assault.

A generation has been born and grown to manhood since the close of the great civil war. Gradually the bonds of affection, as well as national strength, have been increased and multiplied. The enmities of that period are but memories now, and as we approached the closing years of the nineteenth century we found a great people, having one interest and one aspiration, going forward upon the highway of time, holding aloft the banner of the Union, and marching to the inspiring strains of the national anthem, still maintaining, as our fathers did of yore, the sentiment and doctrine upon which our national life is founded—that all men are entitled to "life, liberty, and the pursuit of happiness." But Great Britain had not in the meanwhile been idle. She had seized another expedient, and in the three decades and over which had passed away since the great war, had employed herself and all her various agencies in the effort to denationalize American representatives at the British court, and the American ruling powers wherever they could be reached. If we will carefully study the diplomatic history of these years, as between our country and England, we shall find that the most insidious methods



were used to disarm American vigilance, and gradually infuse in our system the noxious influence of British power.

Lowell departed from our shores a true American; he came back having lost that which most endeared him to us. Phelps followed in his footsteps, and Bayard returned to his native land dishonored by reason of having fallen before the wily, crafty, and treacherous ensnarements of British diplomacy. Surrounded by a host of English diplomats, trained to deceive, our representatives usually fell victims, and were forgetful of the best interests of the land which gave them birth and claimed their allegiance. This pernicious ascendancy found its way to the very heart of our Government, and for a time threatened to control at least one of the Chief Magistrates of the Union. President Cleveland, during a certain period of his first Administration, evidenced British influences, but to his honor and credit, be it said, he saw the error and was strong enough to break the meshes which sought to bind him and stand out the sturdy American ruler that he was, when, with a voice of thunder, he bade England at her peril respect the doctrine enunciated by Monroe and defended by every true American since his time. She obeyed his injunction, but for a time anglicized Americans seemed fearful of the result. Our nation, however, gloried in the spectacle of the power of the American injunction which saved the little Republic of Venezuela from British encroachment and attack, and American soil from a new lodgment for British force.

England dare not attack us by force, as in the days of yore. She must now content herself with diplomacy, and she has had some measure of success in her last endeavor. Even now we are surrounded and envired by this circle of influence. Her favorable opportunity came when our Government entered upon an unnecessary war with Spain. Her agencies, ever on the alert, seized this opportunity, subsidized the press, spread the net for every unwary American in public place, and sought to create the impression that European nationalities looked askance and with disfavor upon our attack upon Spain. She graciously intimated that she would stand with friendly eye and sympathetic glance until we accomplished the discomfiture of Spain. It was the beginning of an "unholy alliance" made without the consent of our people; conceived in darkness and carried out in iniquity. England was perfectly willing to stand as our friend when an exhibition of her malice would be of no avail. Her conduct in the last century has arrayed all the nationalities of Europe against her, and her friendship now would in the end be to our detriment with every one of the European powers.

We are in no danger of complication or entanglement with them now, save such as may arise out of an alliance with England. You say there is no alliance. True, openly there can not be; an alliance must be made by treaty, and the Chief Executive of this country can not make a treaty that is of force unless it be ratified by the Senate of the United States. But, sir, there has been a secret understanding, and in my judgment, while there has been no alliance, there has been, by the "modus vivendi," "as between England and the United States" a surrender of American interests to the British Government. I am aware that this is a serious charge; but, sir, until the secrecy which surrounds this midnight transaction be removed, I shall feel justified in the deep conviction and the firm faith I have that British diplomatic genius has been sagacious enough to cause such entanglement as now binds the hands of our country and its Government, when the people, as if by one voice, stand up and proclaim their desire for an expression of sympathy for the Boer and the burgher of the Transvaal and the Orange Free State in their unequal struggle against the might of British armed power.

The policy of England toward the American colonists, and the United States of America since it has been a nation, has been applied to every other people with whom Great Britain has come in contact. The Norman rulers of England endeavored to conquer France, but God at a supreme moment raised up Joan of Arc, the Maid of Orleans, who by her marvelous capabilities awakened the national spirit of France and drove the invaders from her soil. England was more successful in her endeavor to rob a sister isle of the right of self-government. She found Ireland a prosperous and contented nation, but by conquest she absorbed her and imposed such laws as have reduced her population nearly one half, and the remainder dwell under unjust prohibitions, dissatisfied, rebellious, and awaiting only a favorable moment when they may throw off the shackles of England and again have that to which they are entitled—a government founded on their own consent. Charles Phillips who, for his eloquence and oratory, stands as a peer of Burke, Grattan, and Shiel, described the condition of Ireland when he said:

Stranger, do not ask the bigoted and pampered renegade who has an interest in deceiving you, but open the penal statutes, and weep tears of blood over the reason. Come, come yourself, and see this unhappy people; see the Irishman, the only alien in Ireland, in rags and wretchedness, staining the sweetest scenery ever eye reposed on, persecuted by the extorting middleman of some absentee landlord, plundered by the lay proctor of some rapacious and unsympathizing incumbent, bearing through life but insults and injustice, and bereaved even of any hope in death by the heartrending reflection that he leaves his children to bear, like their father, an abominable bondage.

In India we view a picture which for infamy is unexampled in the history of the world. The transactions of the East India Company, the government of Hastings and his compeers, the gradual subjugation of the States forming the great Indian Empire, the robbery of its princes and its people of life and liberty, of wealth and riches, is unparalleled. The Britons found the millions of India thriving and happy; they have reduced them by a system of unjust exactions to a state of almost continuous famine and plague, with no excuse save that they were strong enough to pillage and plunder, desecrate and destroy, and their victims so weak that they could not repel the conqueror.

In the unjust English attack upon the Boer his Government has been held up to scorn by reason of the courts of the Transvaal. It has been charged that unjust judgments have been given, and that the Uitlander could not procure either equity or justice. A calm investigation establishes the fact that the courts of the Transvaal will bear favorable comparison with those of England or any other country. The time has been when a chief justice of England, not only a great lawyer, but one of her greatest philosophers, sold justice. And I have known in my own State decisions of courts which are as bad as the water, polluted as it is, that flows in the Potomac River. But, sir, whatever might be the deficiencies of courts in the South African Republic, ask a comparison of them with the courts established by the East India Company in India, and later by the English Government itself, when Warren Hastings was supreme ruler of that great country. The picture is not drawn by prejudiced pen, but given by Lord Macaulay, the greatest of English historians. He says:

A reign of terror began, of terror heightened by mystery, for even that which was endured was less horrible than that which was anticipated. No man knew what was next to be expected from this strange tribunal. It came from beyond the black water, as the people of India with mysterious horror called the sea. It consisted of judges not one of whom was familiar with the usages of the millions over whom they claimed boundless authority. Its records were kept in unknown characters; its sentences were pronounced in unknown sounds. It had already collected around itself an army of the worst part of the native population, informers, and false witnesses, and common barrators and agents of chicane, and above all a banditti of bailiffs' followers compared with whom the retainers of the worst English sponging houses in the worst times might be considered as upright and tender-hearted. Many natives highly considered among their countrymen were seized, hurried up to Calcutta, flung into the common jail, not for any crime even imputed nor for any debt that had been proven, but merely as a precaution until their cause should come to trial. There were instances in which men of the most venerable dignity, persecuted without cause by extortioners, died of rage and shame in the grip of the vile alguazils of Impey. The harems of the noble Mohammedans, sanctuaries respected in the East by governments which respect nothing else, were burst open by gangs of bailiffs. The Mussulmans, braver and less accustomed to submission than the Hindoos, sometimes stood on their defense, and there were instances in which they shed their blood in the doorway while defending, sword in hand, the sacred apartments of their women. Nay, it seemed as even the faint-hearted Bengalee, who had crouched at the feet of Surajah Dowlah, who had been mute during the administration of Vansittart, would at length find courage in despair. No Mahratta invasion had ever spread through the province such dismay as this inroad of English lawyers. All the injustice of former oppressors, Asiatic and European, appeared as a blessing when compared with the justice of the supreme court.

In closing my allusion to this, one of the darkest pages of Great Britain's history, I desire to add the peroration of Burke in his impeachment of Warren Hastings for his part in the horrible outrages which had been perpetrated in India:

Therefore—

Said he—

bath it with all confidence been ordered by the Commons of Great Britain that I impeach Warren Hastings of high crimes and misdemeanors. I impeach him in the name of the Commons House of Parliament, whose trust he has betrayed. I impeach him in the name of the English nation, whose ancient honor he has sullied. I impeach him in the name of the people of India, whose rights he has trodden under foot and whose country he has turned into a desert. Lastly, in the name of human nature itself, in the name of both sexes, in the name of every age, in the name of every rank, I impeach the common enemy and oppressor of all.

And yet this man was honored by the British Government after failure to impeach him—rewarded in everything that the Crown and Parliament dared do, because he had enriched his native land at the expense of every principle of justice, at the sacrifice of personal honesty and national honor.

For fifty years this great British power has been employed in the mission of attacking the barbarous tribes of Africa and the semicivilized nations of Asia, and now she reaches the climax of her policy and the crowning infamy of her career in the attempt to strike down and extirpate a free people who have by their own might and energy, through sturdy manhood and incomparable courage, founded for themselves beneath the burning rays of the torrid sun, in the midst of the African desert, a home and government of their own choosing, where they might dwell without molestation, worship God according to the custom of their fathers, and govern themselves with that simplicity which they desired.

The religious, moral, intellectual, and political upheaval which came to Europe in the sixteenth century caused many transformations. Ignorance disappeared before the bright light of a suddenly developed knowledge. Liberty, which had long been slumbering, awakened, and her spirit seemed to animate every nation in Christendom. In the weary wars which followed, lasting for over a century and a half, and bringing many changes of fortune,



among the greatest sufferers for the sake of conviction were the Reformers of Holland and the Huguenots of France. Driven from their native shores, they abandoned home and fatherland, and sought in distant countries a refuge from persecution and a place where they might found new homes and temples.

The Dutch Protestant and the French Huguenot assimilated, and many of them settled at the Cape of Good Hope, on the African continent. "In the beautiful valleys lying between the Cape of Good Hope and the blue mountains beyond they planted the seed germ of liberty," and perhaps fondly imagined they would here be allowed, without opposition or pursuit of powers beyond the sea, to live in happy seclusion, free from the disturbances of the warring elements from which they had separated. The state which they founded grew rapidly, and every inhabitant was actuated by a high sense of honor and noble aspirations, resulting in a republican form of government.

Some years were spent without foreign trespass or encroachment, but the respite from wrong was of short duration. England, in the guise of the East India Company, followed, seized upon the government, and endeavored to subjugate the Afrikanders. This was in 1806. Among the first actions of the new British Government was that by which they relieved the Dutch of their arms and ammunition, thus depriving them of their ability for defense, and secretly encouraging the wild natives of the country to attack, pillage, and destroy the homes, farms, and cattle, as well as to take the lives of the venturesome settlers. Can you wonder, therefore, with such an administration and under such conditions, that in 1815 a number of the Boers were driven into rebellion, which ended in the tragedy of Slachters Nek? This was the beginning of the long struggle which has not yet ended, as between the Briton, in his endeavor to subjugate and enslave, and the Boer, in his effort to maintain his independence. What England can not do by force of arms she endeavors to accomplish by misrepresentation and libel. English emissaries charged the Boer with cruelty to the natives, but he emerged victorious from this unjust accusation.

Next came the assault upon the slaves of the Boers. Emancipation in South Africa was a severe measure imposed by British authority. There was to be no payment for slaves, though the British themselves had in many instances disposed of their slaves to the Boers of Cape Colony. The harsh methods employed widened the breach between the two nationalities. The further policy of the British in Africa was the same that it had been in America; the native savage was incited to insurrection and war upon the settlers. Treaties which the English made with the Dutch were in every instance broken by them. Petitions for redress were ignored. There is a remarkable similarity between the mode and manner of dealing with the Afrikander and that which we find in the transactions with the American colonies. After twenty years of experience with British administration the Boers determined that they would no longer submit to the violation of their rights; and therefore, abandoning farms, homes, and hearthstones, they journeyed a second time out into the unknown African desert where English rule had not extended. They began trekking and became wanderers in the wilderness, even as the Israelites of old. Piet Retief, when he departed from Grahamstown, said:

We quit this colony in the full assurance that the English Government has nothing more to require of us, and will allow us to govern ourselves without interference in the future. We are now leaving the fruitful land of our birth, and we are about to enter a strange and dangerous territory; but we go with a firm reliance on an all-seeing, just, and merciful God, whom we shall always fear and humbly endeavor to obey.

Can any man who bears in his bosom one spark of love for humanity, one iota of desire for liberty, read this appeal without the firm conviction that these men had been goaded by British injustice into desperation, and were now making a bold, courageous, and laudable effort for life and liberty in a wild and uncultivated region? But, sir, these brave and unfortunate men, with their families, had no more than entered the wilderness, surrounded by savages, than they were pursued by the relentless and intolerant hand of Great Britain. Trekking, ever trekking, behind them the malevolence of the British, before and around them the savage cruelty of the barbarous tribes upon whom they were encroaching.

Natal was founded; a new republic was created; the territory was purchased by their money and baptized by their blood. They had reason to believe that they would no longer be molested, for Lord Napier had said that "Her Majesty's Government would not extend her colonial possessions in that quarter of the globe." But military occupation was made by British troops, war began, and at last the Boers were driven from Natal. The Orange Free State was founded, and there was but a repetition of British aggression; the policy of inciting the natives was continued, and while, with fair faces and pleasant voices, the English governors gave assurances of friendship, they were making ready to destroy. The Free State became intolerable to many of the Boers. Again they went forth seeking new lands under the leadership of Andreas Pretorius. The Transvaal Republic was instituted, and Pretorius,

in order that there might be assured to his people peace, after many years of constant trekking and warfare, offered on behalf of the Transvaal Boers to enter into negotiations with the British Government for a treaty of peace and friendship. The proposals were accepted, the convention was entered into, and the Boers of the Free State and the Transvaal were guaranteed against British hindrance in the future.

For nearly twenty years they were permitted to dwell in peace, to till the soil, attend their flocks and cattle, and live as a pastoral people. The convention was recognized in Holland, France, Germany, Belgium, and the United States of America. The American Secretary of State in 1870, communicating with President Pretorius, said—

That his Government, while heartily acknowledging the sovereignty of the Transvaal Republic, would be ready to take any steps which might be deemed necessary for that purpose.

But, sir, England never kept a promise or performed the stipulations of a treaty when to break or ignore them would be to her advantage. This convention was broken. And why? Because a great diamond field was discovered in the Orange Free State, and the moment it was known, Great Britain claimed the territory. James Anthony Froude, the eminent English historian, concerning this matter says:

The ink on the treaty of Aliwal was scarcely dry when diamonds were discovered in large quantities in a district which we had ourselves treated as a part of the Orange territory. \* \* \* There was a notion also—

Says Froude—

that the finest diamond mine in the world ought not to be lost to the British Empire.

Arbitration was invoked, but English corruption made it impossible to have a fair adjustment, notwithstanding the indignant protests of fair-minded Englishmen themselves. But the crowning act of treachery was the annexation of the Transvaal by Shepstone in April, 1877. And why was the Transvaal annexed? Because a gold field had been discovered there, and the moment its discovery was known the arm and hand of English avarice and greed stretched forth to dispossess the rightful owner who had gone into this far-distant region of Africa to seek a home. Gladstone, the grand old man, who in all the infamy of England in the past century stands out as the one superb figure, strong enough and just enough to resist every appeal of wealth and riches and power and stand by justice and right, endeavored to undo the wrong, but was compelled to go down in defeat in the effort. Delegates were sent to England to protest against annexation, but their protests met the same fate that the petitions of the American colonies had received at the hands of a British ministry a century before. They were disregarded; and when protests and petitions were of no avail, the Republic of the Transvaal determined to defend its rights.

The Boer had been driven from one place to another. He had been trekking for a half century. He had been forced from the position he had occupied again and again, and, in the language of one of the most illustrious of his race—

He would trek no longer. They had founded their home in the Transvaal; they would remain there and govern themselves, or die.

The English called the Kaffirs and Swazies, who are among the most ruthless of African savages, to be their allies, but the record of that war shows the power of a people who arm for a defense of God-given rights. The Boers were victorious at Majuba Hill. Though outnumbered seven to one, they stormed the heights, and 200 Boers killed 600 British troopers and compelled 800 more to surrender, the Boers having sustained a loss of only 6 of their number. After this reverse the British Government, under the leadership of Gladstone, who had once more risen to power, determined to undo the wrong. The conventions of 1881 and 1884 were held, and the British resolved no longer to interfere with the sovereignty of the South African Republic. They at first claimed suzerainty, but this was afterwards abrogated, and the Boer and the burgher of the Transvaal and the Orange Free State had practically reestablished their freedom.

But, sir, the British Government of Gladstone did not continue. The administration of Salisbury began. Cecil Rhodes, the prime minister of Cape Colony and the agent of the South African League, deliberately conspired with the home government, under Joseph Chamberlain, to Anglicize the whole of South Africa. The British had determined to seize the gold fields of the Transvaal upon some pretext, for they could not stand aside and see the Boer, who had risked all he had in going into the wilderness to battle with the savage and the elements, take the gold that had been discovered. The South African Republic had prospered. Pretoria and Johannesburg had become cities. Paul Kruger had been elected President of the new Republic. The ability of this plain man of the people had worked wonders in the constitution of the Government and the welfare of the State. The English, as they crowded into the land and cities of the Boer, demanded a part of the government—asking citizenship upon a basis that no self-respecting republic could grant. What would a citizen of the



United States say to the arrogant demand of Englishmen for citizenship in our Republic without forswearing allegiance to the Queen? They demanded a dual citizenship and, when it was not granted, made a great outcry against the Boer. This was but the beginning of the numerous difficulties which surrounded and the misrepresentations which were heaped upon the inhabitants of the South African Republic.

Encouraged by secret promises of support from persons of high position in the English Government, a conspiracy was formed in the city of Johannesburg against the home administration, and Cecil Rhodes brought about the Jameson raid, which was to encourage an uprising, and, if possible, bring about the overthrow of the Government of the Boer and the burgher; but the raid was not successful. The Boers surrounded and captured the invaders, and if they had had justice meted out to them without charity, they would assuredly have been hanged for their attack upon the Government and their treason to the State, but they were respited, and at length released. Gradually the situation became more and more critical. The English foreign office had decided to subjugate the Republics. Great Britain had determined to break the conventions, as she had often done before. Her encroachments became more marked day by day, until at last the Boer had to choose as between two propositions, either he must trek again—either he must surrender his Government and abandon his home once more, or he must stand up and defend it against the all-powerful European foe. He preferred to do the latter, for to him, after the many wanderings, it was easier to meet the foe and die than trek again. So the war came, and the world was called upon to see the grandest spectacle yet witnessed by men or recorded in their annals.

Leonidas, when he defended the pass against the Persians; Horatius, when he stood upon Tiber's bank and held the bridge against the overwhelming enemies of Rome; Arminius in the Teutoburg forest, when he annihilated the legions of Varus and left barely one Roman to tell the tale of unexampled defeat; Wallace, when he battled for Scottish independence upon his native heath; the Prince of Condé, when he threw his baton far as his powerful arm could hurl it into the midst of the foe and led his troops to reclaim it at Freiburg; the Irish Brigade under its gallant leader at Fontenoy; the Maryland Line, when it saved the American Army from disaster at Long Island; these and every one of these fought with splendid valor; but to my mind it was reserved for the Boer and the burgher of the South African Republics to reach the sublimest height of moral and physical courage to which it is possible for mankind to ascend. With a courage and fortitude incomparable and unparalleled we see them marshaling in answer to the appeal of Oom Paul, to meet ten, aye, twenty times their number of Englishmen and their mercenaries in unequal struggle, even if it be unto death.

Has there been in the history of the world, from the dawn until now, a scene more sublime than the picture of the grisly Boer attended by his seven sons, the eldest having reached the meridian of manhood, the youngest having barely sufficient strength to hold a Mauser rifle, and with them the mother who bore them, each and all standing in the trenches together, fighting unto death, willing to surrender their lives that those who remain behind them might have freedom and dwell in the land they had created, under a government of their own choosing? This example portrays the whole; there seems to be not one exception in the Afrikander nation. And, sir, are not these people entitled to our admiration, our sympathy, and every aid and assistance we may justly give them? Dare we as freemen, having had the same foe, having fought the same fight under more favorable circumstances, stand aside and silently see this deed of iniquity accomplished?

Dare we, without protest, see the extinction of the bravest race God's sun ever shone upon? Nay, a thousand times nay. It shall not be permitted. There must be some interposition. There will be some series of events which will gradually lead to the eventual heritage of liberty which shall come to these people. With bated breath the world has looked on from the beginning of this war. We have seen one English army after another meet ignominious defeat. White marched forth to easy conquest, as he thought, and, ere he returned to Ladysmith, lost half his army in killed and prisoners. Buller met one reverse after another, and in an account of the first battle of Colenso, given us by an eyewitness, we find the British were utterly routed, though their force was five to one. General Buller's account of his loss states it as 1,100 men. In this battle these Boers lost 6 killed and 14 wounded. It was a repetition of Majuba Hill.

The encounters which followed were of the same character and result, until as month after month passed the British from every quarter of the globe gathered in their regiments; and to-day, under Lord Roberts, in a land where there are 250,000 Boer men, women, and children, with perhaps 30,000 effective fighting men, there are over 300,000 English soldiers intent upon the purpose of extirpating these unfortunate people. Cronje has surrendered; gradually the cordon is tightening, and step by step the Boers are being forced

backward. When they entered the struggle they could not but think that somewhere in the world, among the great nations of the earth, there would be enough of justice and humanity, enough of generous fellow-feeling, that would send to them and their foes the message that it should cease. They had a right to believe and hope that when the sublime scene of the unequalled struggle, of the more than Spartan spirit, of the will to do and endure should be witnessed, the admiration of their foes for their incomparable valor would make them generous. It has not come. The world is silent; the English cruel and bitter. In their extremity, fighting against hope, battling in despair, yet resolute to the end, the Boers send their envoys to the great Western Republic and make appeal for sympathy.

Shall our doors be closed against them? Shall our Government refuse them recognition and our legislative bodies resolutions of sympathy? If this be done there will be a reversal of our whole national life. If the Bourbon King of France a century ago could give sympathy and recognition to liberty-loving and aspiring men, dare we, who were suppliants then, but have grown strong and mighty in a free government since yonder time, refuse to men of our own race and kindred, struggling for the same boon we have attained, the sympathy they ask and the recognition they desire? Sir, when Greece was battling for self-government against the Turkish power we gave her sympathy. When the South American republics rose up against Spanish domination they enjoyed our favor. When Cuba was struggling to throw off the Spanish yoke we rushed into an unnecessary war in our eagerness to see her free.

Shall American sympathy for men who desire liberty and struggle for freedom cease at this point? What reason is there that the Boer in South Africa should not have the same measure of our sympathy that was given to others? Is it because England stands against them as their foe? In that it seems to me we have common cause and interest, for England is now, as she always has been, our enemy. What excuse can England give to us for this war? Dare she claim the diamond mines and gold fields because they bring riches and her greed would place them in English coffers? Nay. But what is the specious pretext upon which we are approached? That English supremacy will better conserve the interest of Christian civilization than the régime of the Boer. God save the mark! If Christian civilization be the policy of England, as exemplified in her treatment of Ireland, in her government of India, in her transactions with the American colonies, in her encroachments upon the Chinese, and, last of all, in her treacherous attack upon the liberty of the Boer in South Africa, then it seems to me it would be well to call a halt upon Christian civilization, and let truth, honor, justice, and charity as they were taught by the Nazarene when He walked among the hills and vales of Judea rule the earth for a little time in stern simplicity.

It may be said that we should not offend the great British nation, as it might endanger our peace and lead to war. There is no danger of war with England now, and, sir, there is no danger of war with Germany. Germany has been our friend, and at no time within the last ten years has there been more cordial feeling and generous intent than at the present moment. If danger there be of war, it will come through England by the entanglements and complications which the secret understanding will bring.

Mr. LODGE. If the Senator will allow me, I should like to ask him a question.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Maryland yield?

Mr. WELLINGTON. Yes, sir.

Mr. LODGE. The Senator has alluded now for the second time to "a secret understanding" between this Government and the Government of Great Britain. That is a very serious statement. I should like to ask the Senator what proof he has of any such understanding?

Mr. WELLINGTON. If the Senator will permit me to proceed, I think I shall give him just what reasons I have for the statement.

It has been suggested that the Monroe doctrine is endangered. Look upon the map of the Western Hemisphere; follow the curves and lines of the American continent; view it from where it is shrouded in eternal ice to its southernmost point where the Atlantic and Pacific oceans meet and merge at Cape Horn. Examine closely and answer: What nation holds and controls a great body of land in the north, governs islands above the United States and below them? The answer will be, England. How does this concern us? Sir, here is no imaginary occurrence or improbable supposition, but a stern reality: Russia is preparing for war. The first clash with England will come on the Indian frontier; but what will prevent or hinder her from following that by an invasion of the Dominion of Canada, and what will we be forced to do? Protect England in her American possessions? Would it not be better to acquire Canada ourselves and hold it instead of defending it for England?

If we have the right to conquer the unwilling Filipinos, 8,000 miles away, why not, for the safety of our frontier, strike down



British rule in Canada and force Canadians to become a part of the United States? The latter is much more probable than the shadowy conclusion reached by the Senator from Massachusetts when a few weeks ago he suggested danger by reason of invasion of Brazil or the acquisition of the Danish islands, by the power now making great increase in its naval armament—presumably alluding to Germany. Let there be no false fears nor maudlin sentiment. This nation should be strong enough and wise enough to do that which is just and honorable.

The Administration should receive the Boer envoys as the people will receive them—as fellow-freemen entitled to our love and sympathy. The Congress of the United States should pass the resolution of the Senator from Colorado. It is conservative in tone, yet righteous in character. Its passage would have a moral influence and effect which would gradually aid the Boer, infuse new life to a fainting heart, and cause the Briton to hesitate before he demands more blood.

A most hideous spectacle presented itself in the streets of London and Liverpool when the British mob refused to hear Morley and Spencer speak of peace; and again when the common women of the streets were joined by dames of high degree in British society in the ghoulish glee of the celebration of Mafeking's relief and the slaughter of the Boers.

More blood, more blood. It is to be a struggle to the bitter end. Does the Briton think that the annihilation of the Boer fighting men will give him undisputed possession of their land and their homes? Let him think of King Ahab of old, who coveted the vineyard of Naboth, and caused his death that he might take possession. The blood of this man cried out against the king from mother earth, and so it shall be now. Let him heed the voice of the South African woman who has written so eloquently of the effort of the Boer to maintain his independence:

You say that all the fighting men in arms might have been shot. Yes; but what of the women? If there were left but 5,000 pregnant South African born women and all the rest of their people destroyed, these women would breed up again a race like the first. Oh, lion heart of the north, do you not recognize your own lineage in this whelp of the south? We can not live if we are not free.

Aye, the sentiment is true. Life without liberty to a noble people is not worth the living. But, sir, when safeguarded by self-government, environed by freedom and watched over by liberty, life is worth living.

An English pessimist has said that "Youth is a blunder, manhood a struggle, and old age a regret." I do not agree with him. Youth is not a blunder. The busy hours of the day and the weary watches of the night passed in preparation are not blunders; and manhood, though there be much of battle and contention, is not always a struggle. True it is, there are defeats and reverses, but there are also victories and triumphs; and then there will come after them a period of "Peace that passeth all understanding." And old age is not a regret. Something of regretful feeling there may be at opportunities neglected and advantages disregarded, but I have known many noble lives that in the evening looked back upon a work well done and forward to a glorious immortality.

To see the sun in all his marvelous glory rise in the morning and give light and life to the universe, to witness his faint reflection at eventide upon the pale face of Diana, surrounded by her constellations and attendant stars, to breathe the air of spring-time, to hear the sweet notes of warbling birds, to pluck beautiful flowers and inhale the fragrance they give, to hear the busy hum of industry, and again to sit in the silence of the coming night, to feel the kiss of a mother, a sweetheart, or wife, the caress of an innocent child, and the hand clasp of a true, manly man—these and each one of these make life worth living. Aye, each day brings some great gift that would not be paid for by all the numbered days of human life. And yet all these must be destroyed and lose their value unless there be associated with them liberty, the right to govern not only your own hearthstone but your city and state, and build and rear around and about you the government of your own choice.

You and I, dwelling in the American Republic, enjoy this heritage. The Boer is battling to maintain it now. I for one greet him with fraternal spirit. I bid him Godspeed upon his mission, and would aid him in gaining the favor of men. We are free; we are strong. If we be worthy of freedom we should not only hold it for ourselves, but stretch out the forceful arm of American power and clasp within its firm embrace the little nation that is noble enough to aspire to liberty, courageous enough to battle for it unto death.

I favor the passage of the resolution of the Senator from Colorado. It is an effort for peace; peace with honor; peace for the preservation of a people weak in number, but strong in their desire for liberty, and worthy of its blessings. Sir, in my opinion we could go farther than this resolution suggests. We could give them recognition. I do not believe the cause of liberty is less entitled to our devotion now than it was eight decades ago, when Henry Clay, on the 24th day of March, 1818, in the House of Representatives, speaking in support of his amendment to the civil

and diplomatic appropriation bill, advocating the expenditure of a sum not exceeding \$18,000 for one year's salary and outfit of a minister to the United Provinces of the Rio de la Plata, said:

Recognition alone, without aid, is no just cause for war. With aid, it is, not because of the recognition, but because of the aid, as aid without recognition, is cause for war.

A nation, in exerting this incontestable right, in pronouncing upon the independence in fact of a new State, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that, in so far as it may be necessary to institute any relations, or to support any intercourse with the new power, that power is capable of maintaining those relations, and authorizing that intercourse.

Even as I speak, a crushing blow may be falling upon this race of freemen. Will we stand idly by, and not by act or word or sign make interposition to protect or save? Surely it can not be that we are so far forgetful of the years that "have backward rolled into the great ocean on whose shore we wander up and down to store some treasures of the time of old." Surely the sacred fire is not entirely extinct. Pour on the oil of friendly interest, and the bright flame of effulgent light shall follow. In its luster let us stand, and amid its bright surroundings, with cheery voice send greeting beyond the sea.

"Brothers, be firm, swerve not from the path you have chosen, continue steadfast to the end, let no defeat dishearten, no reverse abate your constancy in the cause of liberty. Your simple faith has taught you to believe in the God of your fathers, your trust hath good foundation. He will not long permit your discomfiture. The sympathy of our nation is with you. The spirit of freedom will move our people, the Government must in the end answer its will." And, turning to England, we may say, in the words of the silent soldier: "Let there be peace. You are great enough to be generous, strong enough to be just; obliterate the wrongs of the past in the righteous action of the present; let the Boer have peace with honor, and teach us to follow your example; so that together we grasp the staff of the holy banner, and lead the way to the mountain top, where the 'federations of the world' shall sing the immortal hymn of peace eternal."

Senators, my appeal is made. With you rests the responsibility. I have spoken, not with a desire to attack the Administration, not in the spirit of a partisan, not to offend a nation or to break friendly relations, but for truth, which must in the end prevail, for honor which shall triumph, and liberty which shall pervade and redeem the world.

MR. LODGE. Mr. President, a word before the Senator leaves the floor. He was kind enough to say that he would furnish proof of his statement of a "secret understanding" between this Government and that of Great Britain, and I have listened to him in the hope of hearing that proof. I have heard a great many eloquent sentences, which it gave me great pleasure to listen to, and also the statement that the Dominion of Canada belongs to Great Britain, which I am not disposed to dispute; but I have listened in vain for proofs of that secret understanding. As I said before, that seems to me a very serious charge, and I should be glad to know what proof the Senator has that there is such "secret understanding" between this Government and that of Great Britain.

MR. WELLINGTON. Notwithstanding the sarcasm of the Senator, I have given the reason for the faith I expressed, and I believe if he had listened carefully he would have found the reasons for it. Naturally there can be no tangible proof in documents of a secret understanding until the State Department furnishes it; but, sir, I say, here and now, that until the State Department shall furnish the secret documents in regard to the *modus vivendi* I shall believe, as I have expressed it, that there is a secret understanding which prevents our Government from acting in these matters.

MR. LODGE. Then, Mr. President, it comes back to exactly what I supposed, that there is no proof; that it is merely an opinion of the Senator from Maryland. Under our system of government there can be no such secret understanding as he implies, and no agreement can be made with a secret understanding.

Moreover, Mr. President, the charge of a secret understanding has been made before, and it has been publicly denied by the Secretary of State, who is an honorable and patriotic man. I believe his word. He has said there is no such secret understanding, and until proof definite and positive is furnished I think such charges, in the presence of the statement of an honorable man like the Secretary of State, ought not to be made.

MR. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

MR. TELLER. Will the Senator from Iowa allow me?

MR. ALLISON. Certainly.

MR. TELLER. I wish that this resolution may lie on the table, subject to be called up, so that we may have a vote upon it.

MR. PETTIGREW. Why not have a vote on it now?

MR. TELLER. I am willing that it shall be voted upon now, but I understand that the Senator from Georgia [Mr. BACON] desires to make a few remarks on it.



Mr. BACON. If the Senate will permit me to put certain matters in the RECORD without reading them—I will state what they are—I will not detain the Senate. I have here a speech which was delivered by Daniel Webster in this city on the occasion of a banquet given to Kossuth, at which the President of the Senate presided, with Mr. Webster, who was then Secretary of State, sitting upon his right, and the guest of the afternoon on his left, or vice versa, I have forgotten which, the Speaker of the House, Mr. Boyd, being present, the justices of the Supreme Court taking part, Mr. Cass, Mr. Seward, Mr. Douglas, and others being present. I will state that this speech of Mr. Webster, so far as I can understand, has never been published in any of the editions of his works, and if Senators will permit me to place it in the RECORD—it appears as having been printed by the National Globe—

Mr. STEWART. On what occasion?

Mr. BACON. A banquet to Kossuth on the 7th day of January, 1852.

Mr. STEWART. Let me inquire whether it was pending or after hostilities?

Mr. BACON. If the Senator will pardon me, I should like to finish my sentence. I think this speech is one which should be put in permanent form, and I think it is directly applicable to the question as to whether or not we can with propriety pass the resolution offered by the Senator from Colorado without the violation of international obligations. That is the purpose I have in making the request.

Mr. STEWART. Will the Senator allow me to ask him whether that occurred pending hostilities or after the war was over?

Mr. BACON. I think if the Senator—

Mr. STEWART. I think it makes quite a difference.

Mr. BACON. I was not discussing the question, and do not propose to. I simply asked that I might put the speech in the RECORD.

Mr. STEWART. I object, unless the question is answered.

Mr. ALLISON. If this resolution can be disposed of by a motion to refer—I understand that motion is now pending—I am willing that the sense of the Senate shall be taken upon the question.

Mr. DAVIS. The motion has not yet been made.

Mr. ALLISON. If there are no other remarks to be made, and if the Senator from Georgia, as I understand him to say, only desires an opportunity to have printed in the RECORD certain speeches, I have no objection to their being printed.

Mr. STEWART. I shall object until the Senator answers my question whether it was pending hostilities or after the war was over.

Mr. BACON. I will submit to the requirement of the Senator from Nevada if he will propound his question and if other Senators do not object to the loss of time.

Mr. STEWART. Did this banquet occur pending hostilities in which Kossuth was engaged or after the war had ended?

Mr. BACON. After the war was ended; but in it there is a full discussion by the then Secretary of State of the question of the propriety of such expressions on the part of the United States Government.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

Mr. CHANDLER. What is the request?

The PRESIDENT pro tempore. To print in the RECORD a speech—

Mr. BACON. Of Daniel Webster delivered in this city, and other prominent—

Mr. GALLINGER. I should like also to have it printed as a document.

Mr. CHANDLER. I was about to suggest that it be printed only as a document. If it is recorded in the Congressional annals—

Mr. BACON. It is not. It was not delivered in Congress.

Mr. CHANDLER. At any rate, it is easily accessible, and it seems to me if printed as a document it ought to content the Senator without reprinting Mr. Webster's speech in the CONGRESSIONAL RECORD.

Mr. ALLISON. I hope the Senator from Georgia will agree to that.

Mr. BACON. No; I will not.

Mr. TILLMAN. I hope the Senator from New Hampshire will not object to Mr. Webster being quoted here and his speech going into the RECORD.

Mr. CHANDLER. It would do the Senator from South Carolina good to read all of Mr. Webster's speeches, but I do not think they need all be put in the RECORD.

Mr. TILLMAN. There are about 40,000 people who read the CONGRESSIONAL RECORD who have not had a chance to read Daniel Webster's speeches.

Mr. TELLER. I ask that the resolution may go over subject to call, as it was before.

The PRESIDENT pro tempore. The Senator from Colorado asks that the resolution lie on the table subject to his call. Is there objection? The Chair hears none, and it is so ordered.

Mr. BACON. Do I understand there is objection to my request? Mr. TELLER. No, I do not object; but evidently there is objection.

Mr. BACON. I want to know.

Mr. TELLER. I wish to call up the resolution, when the Senator from Georgia can have an opportunity to put the papers in the RECORD or read them.

Mr. BACON. I wish to know whether there is objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

Mr. CHANDLER. I presume it would consume more time if I object than if I withdraw my objection, and I will withdraw it; but I do object to printing so many speeches in the RECORD.

Mr. WOLCOTT. I ask to have the request again stated. What is it?

The PRESIDENT pro tempore. The Senator from Georgia asks leave to print in the RECORD a speech delivered by Daniel Webster on the occasion of a banquet to Kossuth.

Mr. BACON. A banquet to Kossuth in this city on the 7th day of January, 1852, a speech which does not appear in any of his published works, and which is in this [exhibiting] very perishable form, which I get from the Library, and I understand there is no other copy here.

Mr. WOLCOTT. If there is a popular demand for speeches by anybody they are always published. I understand the CONGRESSIONAL RECORD is supposed to contain an account of the proceedings of both Houses of Congress while they are in session. This speech was made fifty years ago or in that neighborhood by Daniel Webster. It has been suggested that it be printed as a document. It might offer certain comparisons with other speeches appearing on the same day which would be somewhat invidious, and I will interpose an objection.

The PRESIDENT pro tempore. Objection is made.

Mr. BACON. I desire to give notice that to-morrow, immediately after the conclusion of the routine business, I shall ask the courtesy of the Senate that I may submit some remarks upon the resolution offered by the Senator from Colorado on the subject of an expression of sympathy for the Boers.

Mr. ALLISON. I hope the Senator from Georgia will give his notice so that it shall apply after we shall have completed the sundry civil appropriation bill.

Mr. BACON. I would not have the right after the morning hour.

Mr. TELLER. I ask unanimous consent that the resolution may go over.

The PRESIDENT pro tempore. That has been agreed to.

Mr. BACON. I will not occupy very much time, I will say to the Senator, unless Senators require me to read matter which it is not necessary to read.

#### COMMITTEE ON THE JUDICIARY.

Mr. HOAR. I ask unanimous consent that the Committee on the Judiciary have leave to sit during the sessions of the Senate.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and that order is made.

#### MUSCLE SHOALS POWER COMPANY.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3598) to amend an act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama, to report it favorably without amendment.

Mr. PETTUS. It is very important that the bill just reported by the Senator from Missouri shall be passed; and if I may be indulged, I will ask for its present consideration. It has been here a long time, but has just come from the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLISON. I will not object to the consideration of this bill, but I shall object to the consideration of any other bill this morning after this has been disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act proposed to be amended so that section 2 thereof shall read as follows:

SEC. 2. That unless the work herein authorized be commenced within two years and completed within four years from the date hereof, the privileges hereby granted shall cease and be determined.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to.

#### CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, on Saturday last, when it was agreed that the Senate should meet at 11 o'clock to-day and



to-morrow, the Senator from Iowa [Mr. ALLISON] kindly suggested that he would arrange matters so as to give the Committee on Pensions a little time for the consideration of pension bills. I do not think it desirable to ask for that privilege this morning, but I do wish to ask unanimous consent that when the sundry civil appropriation bill shall have been completed the committee have time, not exceeding thirty minutes, for the consideration of unobjected pension cases.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases for a half hour after the sundry civil appropriation bill is completed. Is there objection?

Mr. TILLMAN. Mr. President, I shall feel compelled to object to any consideration of House pension bills. I have no objection to the Committee on Pensions taking up any Senate bills and passing them which have been reported favorably. I will briefly explain why I do this.

Some two months and a half or three months ago a pension bill for an old Mexican veteran living in my State was passed through this body, after a report from the Senate committee, granting an increase of pension from \$8 to \$45 per month. The rating of \$45 a month is the amount that this veteran would have been entitled to for the last forty years if he had not been a Southern man and sympathized with the Confederacy. But under section 4716, which is among the statutes, there is a prohibition in the law against the payment of any sum of money to any person who "aided, sympathized with, or abetted the rebellion."

The man I speak of lost his arm 4 inches from the shoulder, at the gates of the City of Mexico in 1847. Under the general disability act, if there were no section 4716, he would, as I have said, be drawing a general-disability pension the same as any Union soldier. As that section is on the statute books and has not been repealed, although there is a favorable report here from the committee and one in the House for its repeal, I introduced a bill for the increase of his pension, which was a service pension of \$8 a month, to the regular disability pension to which he is entitled.

That measure passed this body. It has been hung up in the other end of the Capitol while hundreds of bills have been passed here since, sent over there, and have been passed there. In this case there is no doubt as to the facts. I have gone to that committee, I have sent my friends to that committee, I have interceded with Senators to go to its chairman and endeavor to get the bill through. The House committee will not pass it; and under the circumstances, that this old man, who could not have yielded aid and comfort to the rebellion, because he had only one arm and was too honorable to say he did not sympathize with the South, is denied any consideration by the House, I feel constrained to act in the only way left me to attract attention to the injustice of the case and let the country see how an old soldier who lost his arm fifty-three years ago fighting under the Stars and Stripes is denied the same bounty that is given under general law to all Union soldiers who are similarly situated.

Mr. GALLINGER. The Senator from South Carolina of course wants to be accurate. He will recall the fact that the House reported the bill at \$35 a month.

Mr. TILLMAN. The bill has been reported or will be reported to-day, so I am told.

Mr. GALLINGER. Yes.

Mr. TILLMAN. When the House passes this just bill I will not obstruct any pension bills coming from that end.

Mr. GALLINGER. Notwithstanding the statement of the Senator from South Carolina, I desire to make my request and have it given in the exact language in which I put it, that a period of time not exceeding thirty minutes be devoted to the consideration of pension bills. There are a few Senate bills which it is quite desirable to pass.

The PRESIDENT pro tempore. Is there objection?

Mr. TILLMAN. Unobjected pension bills, is it?

Mr. GALLINGER. That is it.

Mr. TILLMAN. Of course I will not object to Senate bills.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### SUNDY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The reading of the bill was resumed, beginning at line 24, page 114. The next amendment of the Committee on Appropriations was, under the subhead "National cemeteries," on page 115, after line 17, to insert:

To enable the Secretary of War to have reburied in some suitable spot in the national cemetery at Arlington, Va., and to place proper headstones at their graves, the bodies of about 128 Confederate soldiers now buried in the National Soldiers' Home, near Washington, D. C., and the bodies of about 136 Confederate soldiers now buried in the national cemetery at Arlington, Va., \$2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 117, line 3, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

Antietam battlefield: For repair and preservation of monuments, tablets, observation tower, roads, and fences, etc., made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Md., \$2,000.

The amendment was agreed to.

The next amendment was, on page 117, after line 4, to insert:

Superintendent of battlefields: For pay of one superintendent at Antietam, South Mountain, Crampton's Gap, Harpers Ferry, and Shepherdstown battlefields, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, \$1,500.

The amendment was agreed to.

The next amendment was, on page 118, line 23, after the word "dollars," to insert:

For completion of isolating wards, including driveways, grading and improving grounds, and introducing Potomac River water, \$5,000, to be expended under the direction of the Commissioners of the District of Columbia; in all, \$24,000.

So as to make the clause read:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, \$19,000; for completion of isolating wards, including driveways, grading and improving grounds, and introducing Potomac River water, \$5,000, to be expended under the direction of the Commissioners of the District of Columbia; in all, \$24,000; one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 120, after line 11, to insert:

Military road, Wyoming: For the repair and construction of the military road from Fort Washakie to near Jacksons Lake, in Uinta County, Wyo., authorized by provision in the sundry civil appropriation act approved June 4, 1897, \$10,000.

The amendment was agreed to.

The next amendment was, on page 120, after line 17, to insert:

Official Records of the Rebellion: That the Secretary of War be, and he is hereby, authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-sixth Congress not now entitled by law to receive the same; and in addition thereto he is also authorized and directed to furnish two complete sets of said work to each Senator, Representative, and Delegate of the same Congress, irrespective of his having been already supplied, using for this purpose, as far as possible, those now stored in the War Department and remaining unsold or unclaimed by beneficiaries designated to receive them under the several acts of Congress providing for the distribution and sale of this publication: *Provided*, That the Secretary of War may call upon the Public Printer to print and bind such number or copies of certain volumes or parts as may be found necessary to complete the sets referred to.

The amendment was agreed to.

The next amendment was, on page 121, after line 9, to insert:

Report upon claims for private property taken in the military service: For investigation of just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, \$10,000, or so much thereof as may be necessary; and the Secretary of War is hereby authorized and directed to cause to be investigated all such claims and to ascertain the loss and injury, if any, that may have been sustained by such claimants, and he shall report to Congress what amount or amounts he finds to be equitably due from the United States to such claimants: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the 1st day of January, 1901, shall not be considered by him and shall be forever barred.

The amendment was agreed to.

The next amendment was, under the head of "National Home for Disabled Volunteer Soldiers," on page 134, after line 18, to insert:

The Secretary of the Interior is hereby directed, when the Fort Sherman Military Reservation, in Kootenai County, Idaho, shall be restored to the Interior Department, not to dispose of the same; and as soon as practicable after the passage of this act and the transfer of said reservation to the Interior Department the Board of Managers of the National Home for Disabled Volunteer Soldiers shall cause to be inspected the buildings on said reservation, and the grounds contained therein, and make a report to Congress at its next session relative to the advisability of establishing a Branch Home for Disabled Volunteer Soldiers at that place, and what additional buildings, if any, should be erected thereon for the use of such a Branch Home.

The amendment was agreed to.

The next amendment was, on page 135, line 4, after the date "1888," to insert "including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers;" so as to make the clause read:

State or Territorial homes: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$950,000: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Mr. PETTIGREW. I wish to ask the Senator in charge of the bill if the soldiers of the late war—the Spanish war—and those soldiers who fought in the Philippines are entitled to be admitted to these Homes as the law now stands?

Mr. ALLISON. Does the Senator mean the State homes or the National Homes?

Mr. PETTIGREW. The National Homes, the items for which we have just passed over.



Mr. SHOUP. I understand they are.

Mr. ALLISON. In the Army appropriation bill the class to be admitted to the National Homes was enlarged. I think it includes the soldiers of the Philippine and the Spanish wars. Our purpose here was simply to allow persons to be received in the State homes who are received in the National Homes, understanding that that number has been enlarged. The Army appropriation bill, I think, has become a law, and if I had a copy of it I could state definitely.

Mr. HAWLEY. I think the Senator is right, and I will get a copy of it in a few moments.

Mr. ALLISON. I know there was an enlargement of the classes.

Mr. PETTIGREW. Unless the soldiers of the late war were admitted to the National Homes, they would not be admitted to the State homes?

Mr. ALLISON. They would not.

Mr. PETTIGREW. I am very anxious that the question shall be definitely settled, because I think those soldiers ought to be admitted to the Homes, both National and State.

Mr. ALLISON. I said they would not. I suppose they would be admitted to the State homes if the State authorized them, but without such a provision they would not be authorized to receive their proportion of the amount paid from the Treasury for their maintenance.

Mr. CARTER. As I remember the phraseology of the bill extending the privileges of soldiers in entering the Soldiers' Homes, the language provides that all persons who served in the Army of the United States in any war in which the country has been engaged may hereafter be admitted to Soldiers' Homes, provided that the disabilities from which the soldier might be suffering were not inflicted or incurred in service against the United States. I think it was intended to include the Philippine soldiers as well as the others.

Mr. ALLISON. But this provision allows \$100 to be paid to the State home for all classes of persons that are admitted to the National Homes.

Mr. CARTER. I am advised by the clerk of the committee, who was present at the time, that even the inhibition to which I have referred, which applied to ex-Confederate soldiers, was stricken out in conference and that at the present time the law provides that all soldiers who have served in the armies of the United States in any war in which the country has been engaged, including the Philippine insurrection, may be admitted to the National Soldiers' Home and thus become entitled to admission to a State home.

Mr. PETTIGREW. Of course they would all be entitled to admission to the State homes?

Mr. CARTER. Yes.

The amendment was agreed to.

The reading of the bill was continued to line 4, on page 136, the last clause read being the following proviso:

*Provided*, That in the settlement of claims of officers, soldiers, sailors, and marines, or their representatives, and all other claims for pay and allowances within the jurisdiction of the Auditor for the War Department or the Auditor for the Navy Department, in which it is the present practice to make deductions of attorneys' fees from the amount found due, no deductions of fees for attorneys or agents shall hereafter be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business).

Mr. GALLINGER. Mr. President, I desire to call the attention of the Senator in charge of the bill to the proviso just read. It is a change of existing law, and, I think, a very objectionable change. If no other Senator makes the motion, I shall move to strike out the proviso. I ask the Senator from Iowa if he prefers that the motion shall be withheld until later in the consideration of the bill?

Mr. ALLISON. I hope the Senator will withhold his motion until after the committee amendments have been disposed of.

Mr. GALLINGER. I want to have it understood that that motion will be made.

The reading was continued. The next amendment of the Committee on Appropriations was, on page 136, after line 4, to insert:

#### NAVY DEPARTMENT.

Office of Naval Records of the Rebellion: For one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, by reason of his personal experience and special aptitude, in connection with the work of collecting and compiling the naval records, \$1,800.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 136, the last clause read being as follows:

Paris Exposition: For compensation of the woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900, \$3,000.

Mr. ALLISON. This is a provision inserted in the House for the payment of the person representing the Daughters of the American Revolution. Several communications have been received by the committee suggesting that it was not the intent and purpose of the Daughters of the Revolution to allow the Govern-

ment of the United States to pay for this representative. In view of their requests, which I understand have been made to Senators more familiar with this general subject than I am, I move that the paragraph be stricken from the bill, so that the question may be considered in conference at least.

The PRESIDENT pro tempore. Without objection, the amendment moved by the Senator from Iowa will be agreed to.

Mr. HAWLEY. Mr. President, I should like to leave a word or two on record in that matter.

The Daughters of the Revolution are quite sensitive about this subject. They desired to have a woman commissioner appointed to represent the Daughters at the unveiling of the statue of Lafayette at the exposition in Paris, and said at the time that it would require no appropriation. The lady who was expected to have the place, and who has been appointed, was entirely willing and able to pay her own expenses, but the Daughters appropriated \$2,000 for that end. They have \$81,000 of surplus in their treasury, and they made it a matter of patriotic pride that their delegate should not be paid by the United States Government. I am so informed by reliable persons. The statue is a gift of the children of the United States. The Daughters place a tablet thereon, bearing an appropriate legend. The Presiding Officer is familiar with the facts.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the head of "Department of State," on page 136, after line 21, to insert:

Legation buildings: For repairs and improvements to legation buildings for use of legation of the United States at Seoul, Korea, and for construction of safe-deposit vault in said buildings, \$1,750.

The amendment was agreed to.

The next amendment was, at the top of page 137, to insert:

For additional expenses in connection with the care and preservation of legation buildings and grounds at Bangkok, Siam, \$325; and the Secretary of State is hereby authorized to accept, on behalf of the Government of the United States, the offer of the Government of Siam of additional grounds for legation purposes of the United States, as reported in the dispatch of the United States minister to Siam to the Secretary of State of the United States dated August 26, 1899.

The amendment was agreed to.

The next amendment was, on page 137, after line 10, to insert:

Index to Diplomatic Correspondence: For preparation of general index to the published volumes of the Diplomatic Correspondence and Foreign Relations of the United States, to be made under the direction of the Secretary of State and by such persons as he may employ for that purpose, \$2,000: *Provided*, That said index shall be completed within one year.

The amendment was agreed to.

The next amendment was, on page 137, after line 17, to insert:

#### DEPARTMENT OF LABOR.

Miscellaneous expenses: For per diem, in lieu of subsistence of special agents, and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed \$5 per day, and for their transportation, and for employment of experts and temporary assistance and for traveling expenses of officers and employees, and for the purchase of reports and materials for the bulletin of the Department of Labor authorized by legislative act approved March 2, 1895, \$2,500.

The amendment was agreed to.

The next amendment was, on page 138, after line 9, to insert:

For special repairs to court-house, District of Columbia, in accordance with estimates of the Architect of the Capitol, \$4,348.50, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 141, line 11, to reduce the appropriation to enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of a Digest of the Opinions of the Attorney-General, etc., from \$1,500 to \$1,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 142, line 12, after the word "otherwise," to insert:

Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1900, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1900, or prior years.

So as to make the clause read:

For payment of salaries, fees, and expenses of United States marshals and their deputies, \$1,000,000, to include payments for services rendered in behalf of the United States or otherwise. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1900, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1900, or prior years.

The amendment was agreed to.

The next amendment was, on page 142, line 21, before the word "when," to strike out "or" and insert "nor;" and in the same line, after the word "travel," to strike out "was" and insert "is;" so as to make the clause read:

No mileage shall be allowed upon any writ not executed nor when the travel is without cost to the marshal or office deputy.

The amendment was agreed to.

The next amendment was, on page 143, line 1, after the words



"District of Columbia," to strike out "twenty-three thousand eight hundred" and insert "twenty-seven thousand;" and in line 3, after the word "dollars," to insert:

And he shall pay to his assistants not exceeding in all \$12,000 per annum, also his clerk and messenger hire not exceeding \$7,800 per annum, and for office rent, stationery, fuel, printing, and other incidental expenses not exceeding \$1,400 per annum, out of the fees of his office: *Provided*, That no expenses other than those above specified shall be allowed.

So as to make the clause read:

For fees of United States district attorney for the District of Columbia, \$27,000; and he shall pay to his assistants not exceeding in all \$12,000 per annum, etc.

The amendment was agreed to.

The next amendment was, on page 146, line 1, after the word "For," to strike out "miscellaneous expenses, including expenses for;" so as to make the clause read:

For fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime, etc.

The amendment was agreed to.

The next amendment was, on page 148, line 3, after the word "bailiffs," to insert "and criers;" in the same line, after the word "three," to insert "bailiffs and one crier;" and in line 20, after the word "dollars," to strike out:

*Provided*, That the duties heretofore performed by criers shall hereafter be performed by the marshals, their deputies, or the bailiffs.

So as to make the clause read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, \$150,000.

The amendment was agreed to.

The next amendment was, on page 149, after line 10, to insert:

For the payment of the salaries of an additional district judge in the State of New York and the United States district judge for the Territory of Hawaii, \$10,000.

The amendment was agreed to.

The next amendment was, on page 149, after line 13, to insert:

For the payment of the salaries of the clerk and the reporter of the United States district court for the Territory of Hawaii, at \$3,000 and \$1,200, respectively, \$4,200.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 150, after line 18, to insert:

Statue of Rochambeau: For the purchase by the Joint Committee on the Library of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same, \$7,500.

The amendment was agreed to.

The next amendment was, on page 150, after line 22, to strike out:

Files, House of Representatives: The Clerk of the House of Representatives is hereby authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts now in, or that may hereafter come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules.

The amendment was agreed to.

The next amendment was, on page 151, after line 9, to insert:

Industrial Commission: That the Industrial Commission authorized by "An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," approved June 18, 1898, and amended by "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, is hereby continued until October 31, 1901, with all the powers and duties imposed upon it by said acts.

Mr. ALLISON. I wish to amend the amendment in line 20, by striking out "October 31" and inserting "December 15."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 151, after line 22, to insert:

To pay the expenses of the commission, \$28,600; and to pay the salaries of the commissioners not members of Congress, \$39,700; in all, \$122,300.

Mr. ALLISON. I wish to modify the amendment in line 23, before the word "dollars," by striking out "twenty-eight thousand and six hundred" and inserting "eighty-seven thousand and five hundred."

Mr. JONES of Arkansas. Has the amendment before that, inserting the provision in relation to the Industrial Commission, from line 10 to line 22, been acted upon by the Senate?

Mr. ALLISON. That has been agreed to.

Mr. JONES of Arkansas. I wanted to ask some questions about that amendment before it was acted upon.

Mr. ALLISON. I will say to the Senator that the amendment of the committee has been amended, in line 20, by inserting "December 15" instead of "October 31."

Mr. JONES of Arkansas. The particular point to which I want to call attention is the provision that is repeated in this amendment, which was in the original proposition creating the commission:

That the Industrial Commission authorized by "An act authorizing the appointment of a nonpartisan commission," etc.

I supposed at the time this commission was appointed that all political parties would be somewhat fairly represented upon it. Can the Senator state about how many Republicans, how many Democrats, and how many Populists there are on the commission as at present composed?

Mr. ALLISON. I regret that I am unable to state the number of each class. The Senator from South Dakota [Mr. KYLE] is the chairman of the commission, and I have no doubt he can give the Senator the information he desires.

Mr. JONES of Arkansas. I shall be very glad to have it.

Mr. ALLISON. I understand that these gentlemen are all competent for the work for which they were appointed; and if there is a little confusion as to their political status, I hope it does not impair their usefulness as a commission.

Mr. JONES of Arkansas. I sincerely hope not. I should like to know how far this commission is nonpartisan and how far it is partisan?

Mr. KYLE. Mr. President, I do not know that I can give exactly the political complexion of all the members of the commission. I think if I had myself been constituting the commission and had made the appointments I should have placed more Democrats upon it; but at the same time I think that it is a very fair body of men; in fact, it is one of the most conservative bodies of men with which I ever worked. In all our discussions around the commission table there has been absolute harmony from the beginning of the work.

As to the membership of the commission, I think the appointments from the Senate and the House of Representatives were very fair and that the Senator from Arkansas will probably agree with me as to that. From the Senate we have myself; Senator PENROSE, of Pennsylvania, a Republican; ex-Senator Lee Mantle, of Montana, a Silver Republican; Senator MALLORY, of Florida, a Democrat; Senator DANIEL, of Virginia, a Democrat. From the House of Representatives we have Representative GARDNER, of New Jersey, a Republican; Representative WILLIAM LORIMER, of Illinois, a Republican; Representative LIVINGSTON, of Georgia, a Democrat; Representative BELL, of Colorado, a Populist, and Representative OTJEN, of Wisconsin, a Republican, I believe.

Then, of the Presidential appointees there is Mr. Harris, of Ohio, a Republican; Mr. North, of Boston, Mass., who has been succeeded by Mr. Clarke, a Republican; Mr. Smyth, of South Carolina, a Democrat; Mr. Farquhar, of New York, a Republican, I believe, though he represents a labor organization and is supposed to be in accord with organized labor; Mr. Conger, of Michigan, a Republican; Mr. Phillips, of Pennsylvania, formerly a member of Congress and chairman of the Committee on Labor of the House of Representatives, a Republican; Mr. Charles J. Harris, of North Carolina—I do not know that I ever heard him mention politics, and I do not know anything about his political affiliations; Mr. Ratchford, who was appointed from Indiana, but who is a resident of Ohio, and is president of the Miners' Union, a representative of organized labor, and Mr. Kennedy, who was appointed from Washington and who is also a representative of organized labor. He is, I think, a Republican.

I wish to emphasize what I stated a moment ago, that the commission is composed of a fair body of men. I do not think there is a Democrat on the commission who will criticize in any manner the work of the commission in the consideration of any question which has yet come before it. Democrats have been placed at the head of subcommittees; they have been given much latitude in the consideration of all problems, certainly in the drafting of the syllabi, or outline work of our investigation; and their recommendations were accepted; almost every suggestion was followed. All questions which have been considered by subcommittees of the commission have to be ratified, of course, by the body as a whole; and I do not think there has been a dissenting voice in regard to the general findings on the matters before us.

As I have stated, if in the beginning I had been creating the commission, I think I might have made some few changes; but at the same time, constituted as the commission now is, I have no fault to find with it.

Mr. JONES of Arkansas. Mr. President, the question I asked was, in view of the fact that the law required that this should be a nonpartisan commission, how many Democrats and how many Populists there are on the commission? I have said nothing about



their efficiency. I know nothing about that. I do not know how they have discharged their duties.

There were to be 5 Senators, I believe, to go on the commission, of whom 2 were Democrats, of which there can be no complaint. There were, I think, 5 members of the House of Representatives to go on it, and there was 1 Democrat and 1 Populist selected from that body. Of the other 9 members of the commission, the Senator tells us there is but 1 who is a Democrat. So, according to his account, there are 4 Democrats out of 19 members of this commission and 1 Populist. I do not believe that is a fair composition of the commission under the contemplation of the law. I believe the intention was that there should be a fair representation of Democrats on that commission as well as Republicans; and I believe the spirit of the law has not been carried out in giving only 4 or 5 members to the opposition out of the 19 members of the commission.

I think where there is an effort on the part of the lawmakers to give parties fair representation in a body of this kind, there should be something like equal numbers to the different parties. I am perfectly willing, of course, that the Republicans shall have a majority of these appointments in each branch. I think that out of the 5 Senators they should have 3, and out of the 5 members of the House they should have 3, but I do not believe that out of 19 members of the commission the Democrats should have but 4 and the Populists but 1. It is not right, it is not fair, and it ought not to be so.

I am unwilling for this amendment continuing the existence of the commission to go without this much criticism on the part of this side of the Senate Chamber at least.

Mr. GALLINGER. I observe this amendment continues the commission until October 31, 1901.

Mr. COCKRELL. The proposition now is to continue it until the middle of December.

Mr. ALLISON. Until December 15 of next year.

Mr. COCKRELL. Nearly two years.

Mr. GALLINGER. I want to ask the Senator in charge of the bill if it is understood that at that date this commission shall terminate, or is it merely giving it life for that length of time, with the understanding that it may be given fresh life by a further provision in an appropriation bill?

Mr. ALLISON. When the committee reported this provision it fixed the 31st day of October as the time for closing up the business of the commission, having assurances from the chairman of the commission, who is also a member of this body, that it was not the purpose of the commission to extend their labors beyond the 1st of December or about that time. The committee thought at first that the commission could probably close up their affairs by the 31st of October, but on further examination and further inquiry we were informed that the commission has a considerable amount of valuable property; that it has especially a valuable library, and that it would be wiser and better for them to turn this matter over during the first days of the session.

Therefore in an informal way the committee recommended that the date be changed. We have assurances from the chairman of the commission that the commission is now performing its duty at very great personal sacrifice; that all the members of the commission who are members of the two Houses of Congress would be very glad to close it up at an early date; and that the gentlemen appointed from private life, whether nonpartisan or otherwise, who are members of the commission, are endeavoring to discharge their duties with fidelity, are also very anxious to close up the affairs of the commission, and that this would be the last request that would be made of Congress for its continuance. The Senator from South Dakota [Mr. KYLE] can perhaps answer with more definiteness the query of the Senator from New Hampshire.

Mr. KYLE. I would like to add a word, if the Senator from New Hampshire will permit me.

Mr. GALLINGER. Certainly.

Mr. KYLE. It is the general opinion amongst the members of the commission that its work may be closed as soon as possible. The Senator has only to think for one moment of the enormous amount of work being done by the commission to understand that we wish to close it out at the earliest possible day.

The 10 legislative members of the commission are very anxious to have the work concluded, of course. It brings upon them double duties during the whole session of Congress. As to the 9 appointees of the President, I have personal knowledge that a majority of those gentlemen are doing this work at a personal sacrifice, at a financial sacrifice, and are hardly willing it shall continue a year, except that it is necessary to finish some of the reports we have now under consideration.

I can give my guaranty that just as soon as these reports are finished—and they will be finished probably by September of next year—we wish that the work may cease, and that whatever balance of money may be on hand may be turned over to the Treasury of the United States; but we should like to have the time necessary to complete the work, and we think that will require until about December of next year.

Mr. GALLINGER. Mr. President, at the time this matter was

first projected I was not clear that it was a wise thing to constitute this commission, and I will say now, even at the risk of being misunderstood by so-called organized labor, that I doubt very much whether the results will warrant the expenditure that Congress has made. I do not know how many thousands of dollars have been spent, but this I do know: If this commission continues much longer, their reports will be just about as valuable as are the last half of the reports of the census of 1890, which we have hardly had the privilege of yet reading. The value of a report is its freshness; and this commission will have discussed many questions and reported them in written reports, which we will publish at a large expense, which will have passed from the public view by the time the reports will have been made.

Mr. KYLE. If the Senator will allow me right there, he can have access to the volumes already published in the document room.

Mr. GALLINGER. I understand that one or two volumes have been published, but they are so large—

Mr. KYLE. Four or five volumes have been published.

Mr. GALLINGER. Well, four or five volumes. That makes it all the worse.

I shall certainly not undertake to examine those volumes until I have more leisure than I have had during the last three months. I presume they contain much valuable matter, but if any citizen of this Republic is going to read them, he will be a less busy man than I am.

I appreciate the fact that this commission has done a vast amount of work, and I am glad to pay tribute to their industry, and, I think, to their wisdom in the lines of investigation that they have marked out and have pursued. At the same time, I am very clearly of the opinion that the time has come, or it will come in the near future, to bring the work of this commission to a close and let the country see the fruitage that has come from their exhaustive endeavors.

I certainly have no prejudice against the commission. On the contrary, I presume some good will come out of it, and perhaps a great deal of good; but certainly the commission has lasted a much longer time than Congress supposed it would when the original appropriation was made. I feel for one that we ought to hasten its conclusion.

Mr. KYLE. Has the Senator read section 2 of the act creating the commission?

Mr. GALLINGER. I have not recently.

Mr. KYLE. That section provides:

That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

Does the Senator suppose that this work could be done in one year?

Mr. GALLINGER. Mr. President, I was entirely conversant with the duties that were imposed upon this commission; and I do not find fault with the work the commission has already done. I simply suggest that it seems to me a sufficient time has elapsed for the work to be concluded as speedily as possible; certainly so if we have five or six large volumes and the work of the commission is only partly concluded. We shall have a library that may be valuable to the antiquarian, but it will not be valuable to busy men, such as most Senators are.

Mr. KYLE. May I enlighten the Senator a little more?

Mr. GALLINGER. I shall be glad to have information.

Mr. KYLE. I say to the Senator that if he had examined the volumes already published by the commission, he would have been able to estimate their true value. There is a report on trusts; a compilation or a digest of all the labor laws of the United States and of the several States of the Union, all splendidly indexed, with cross references, etc., a handy volume in any law library, and which is certainly appreciated by all Senators who have examined it. Then there is a digest of all the testimony taken. A person does not have to read the testimony in extenso, but a digest of all the testimony is made, so that he can get in a moment what was said about any question by any witness by consulting the index. This is done with reference to all the testimony taken. So that in the course of two or three or four volumes you can get the whole work of the commission in a nut shell.

Mr. JONES of Arkansas. May I ask where these volumes can be had?

Mr. KYLE. I will say to the Senator from Arkansas that I think one set of all these works has been authorized by the House to be distributed to Senators and Representatives as a document, and that a resolution has been introduced by the chairman of the House committee to publish, I think, 17,000 copies, and the resolution is before the House. Under that the members of the Senate and of the House will get their customary quota, whatever that may be.

Mr. JONES of Arkansas. I am very glad these valuable volumes are being printed. I have not been able to get one; but by the courtesy of the chairman of the commission I have gotten



loose sheets of some of the testimony taken by the commission. I should have been glad to have gotten more. There have been a number of people desirous of getting these reports and looking into the testimony taken by the commission; but it seems to have been impossible up to this time for the public to derive any benefit from the valuable services of the commission. I am glad to know that these reports are about to be printed and that the public can soon have the benefit of what has been done up to date.

I think I shall move before I conclude, in view of what the chairman has said about the composition of this commission and the fact that only two out of the five members of the Senate and two out of the five members of the House were appointed from political parties other than the Republican party, and that the nine members appointed by the President all belong to one political party, except one, and he has voted with the balance, I understand—I think I shall move to amend by providing that not more than nine members of this commission shall belong to one political party. I think, if we are to continue the commission, it might be as well to come as near making it nonpartisan as the law in the beginning required it should be, and which it is not.

Mr. PETTIGREW. I inquire if any report has been made by the Industrial Commission on any subject? I ask that question of the chairman of the commission.

Mr. KYLE. There is a report of two volumes on the subject of trusts, one on prison labor, one on transportation, and the last on general labor conditions.

Mr. PETTIGREW. One volume of reports containing the conclusions of the commission on trusts?

Mr. KYLE. One volume, as I said before, of the laws of the United States touching corporations; a volume by itself. The other volume is a digest of all the evidence taken on the subject of trusts, followed by the evidence in extenso.

Mr. PETTIGREW. All the evidence taken by the commission?

Mr. KYLE. All the evidence taken by the commission.

Mr. PETTIGREW. I have heard complaints as to the published testimony on the part of some witnesses who appeared before the commission that part of their evidence had been suppressed.

Mr. KYLE. I will state to the Senator that there was some little criticism a while ago in relation to testimony of one witness as to Standard Oil matters that part of his testimony had been stricken out, but this is not strictly true. The witness was asked to amend his testimony from the fact that he had indulged in some very bitter criticisms of the President and of a certain judge in New York State. The commission decided that no personalities should be allowed in the testimony, but nothing in the way of facts was excluded from his testimony.

Mr. PETTIGREW. That is the only instance?

Mr. KYLE. That is the only instance.

Mr. PETTIGREW. Was that the testimony of Mr. Lockwood?

Mr. KYLE. Of Mr. Lockwood.

Mr. PETTIGREW. Aside from that, then, all the testimony taken by the commission has been published.

Mr. KYLE. That is correct.

Mr. JONES of Arkansas. A gentleman in this town told me yesterday that he had appeared as a witness before the commission and that his testimony had been very materially changed without his consent.

Mr. PETTIGREW. Who is that?

Mr. JONES of Arkansas. A gentleman in this town. His name is Schultheis, if you wish to know it.

Mr. PETTIGREW. I have myself heard from two others besides Mr. Lockwood, bitter complaint that their testimony was edited and was changed or modified.

Mr. JONES of Arkansas. It is but fair to the commission that I should say that I suggested to Mr. Schultheis, when he made his statement to me, that he bring me his testimony, and he said he would do it as he offered it, so that I could compare the printed testimony before the commission with his own statement of what he said. He told me he would bring it to me, but he has not done so. If he had done so, I would have called the attention of the chairman of the commission to it before now.

Mr. KYLE. I do not think that is true. There has been no disposition on the part of the commission to edit anybody's testimony. Every member of the commission will testify to that. Democrats and Republicans and Populists have been present when we discussed these propositions.

Mr. PETTIGREW. It seems to me we ought to put an amendment to this paragraph providing for the printing for the use of the Senate and House of an adequate number of copies of the testimony and the digests already made; and I therefore move to add a proviso at the end of this paragraph, as follows:

*Provided, however, That 10,000 copies of the report of the commission, the testimony, and digests already printed be printed for the use of the House and Senate.*

Mr. KYLE. How is that worded, please?

Mr. PETTIGREW. Nine thousand copies; 3,000 for the use of the Senate and 6,000 for the use of the House of Representatives.

I want such an amendment, so that we can get possession of the testimony so far as it has gone.

Mr. KYLE. I will state to my colleague that we discussed the matter, and had an amendment before the Appropriations Committee to publish several thousand volumes of this testimony. The chairman of the House Committee on Labor, Mr. GARDNER, informed me that he had already introduced a resolution for the publication of the volumes up to date; that the Committee on Printing over there had, I think, approved the publication of seventeen or eighteen thousand copies of all, costing about \$25,000, and that we would all get our share. That is the reason why I did not press the amendment before the Committee on Appropriations.

Mr. PETTIGREW. I think we had better put it on here. Of course, if that comes to us it can be taken care of, but we will make sure of it in this way.

Mr. KYLE. I am perfectly willing, if the Senator so desires, for, of course, there is a great demand for the reports.

Mr. PETTIGREW. I have had many inquiries for these books, and I am very desirous of having them for distribution.

The PRESIDENT pro tempore. Has the Senator from South Dakota [Mr. PETTIGREW] reduced his amendment to writing?

Mr. PETTIGREW. I have not.

Mr. JONES of Arkansas. There is an amendment I propose to offer which I think should come before that. If the Senator from South Dakota will allow me to propose that and get a vote on it, he can meanwhile prepare his amendment.

Mr. PETTIGREW. Certainly.

Mr. JONES of Arkansas. I move to insert at the end of the paragraph the following:

*Provided, That not more than nine members of said commission shall belong to one political party.*

Mr. ALLISON. I hope the Senator from Arkansas will not press that amendment. It means that this commission during the last hours—perhaps not hours—

Mr. JONES of Arkansas. I was going to say that there are a good many hours in eighteen months.

Mr. ALLISON. In the last days and weeks of its arduous labors shall be completely reorganized. I wish to call the attention of the Senator to the original act, which I think has been faithfully or fairly well carried out in the appointment of men, as stated by the Senator from South Dakota, the chairman of the commission. It is called a nonpartisan commission, not because it provides for nonpartisan appointments, but because the members of the commission are appointed for other qualifications rather than mere partisanship. So I find in the first section that the commission shall be called the Industrial Commission—and it is so, I am sure, in a double sense—to be composed as follows:

Five members of the Senate, to be appointed by the presiding officer thereof; 5 members of the House of Representatives, to be appointed by the Speaker; and 9 other persons, who shall fairly represent the different industries and employments, to be appointed by the President, by and with the advice and consent of the Senate.

That is the 9. It seems that of the 19 who are members of the commission 5 were appointed by the President of the Senate, 5 were appointed by the Speaker of the House, and 9 of them by the President, with the approval of the Senate, and they were to be appointed because of their special fitness as respects occupations and acquirements.

I submit to the Senator that his proposed amendment changes entirely the character of the commission and the method of appointment of those who are to compose it, and it will be impossible to carry out the provision of the amendment without practically dissolving the commission now. I should think rather than adopt that it would be better to continue the commission even a shorter period, to print what they have done and wind up the affair, because if new men are to come in now it is manifest to me that they can not freshly make an investigation and examine all these great subjects which have already occupied the attention of the commission for more than two years.

Mr. JONES of Arkansas. I do not think when there was a provision for a nonpartisan commission that it meant that 19 men should be found who had no politics and who did not belong to any political party. It certainly did not mean that they should all belong to one political party.

Mr. ALLISON. Political parties are not mentioned or indicated or suggested in the original law.

Mr. JONES of Arkansas. The word "nonpartisan" has some meaning.

Mr. ALLISON. It meant that this was to be a commission the members of which were to be selected for their eminent ability and eminent qualifications as respects particular topics and subjects. They were to be skilled in business, skilled in manufacture, and experts in the various employments and occupations of our people; and I feel quite sure that the 9 men who were appointed by the President, having these qualifications in view, must have been the men who ought to have been appointed, because they have been confirmed by the Senate.

Now, for us to upturn and upheave this whole business in the



middle of their work when they are about to close it up would be an error. They have already published four or five volumes. They have taken an enormous amount of testimony, and it seems to me it would practically destroy the usefulness of the commission now to adopt the amendment suggested by the Senator from Arkansas.

Mr. JONES of Arkansas. Where the Senator from Iowa finds his new meaning of the word "nonpartisan" I can not imagine.

Mr. ALLISON. I find it in the law.

Mr. JONES of Arkansas. He says it means that they shall be eminent for ability in the different lines, etc. There are words in the statute that have that meaning, but when the word "nonpartisan" was used it meant that it should not be in any sense a party machine, and it should not be composed of members belonging all to one political party. That it was so understood by the President of the Senate is clearly manifest by reason of the fact that when he came to appoint five members of the commission he appointed two Democrats and three Republicans, and that it was so understood by the Speaker of the House is proved by the fact that he made three Republicans, one Democrat, and one Populist members of the commission.

But when the President of the United States came to appoint his nine members, every one of them, as I understand, was a man who had voted for him at the previous Presidential election; not a single one of the other nine voted with the opposition. It was a violation of what was meant by that statute when it said that the commission should be nonpartisan; that it should not be a commission under the control and management and direction of a political organization, nor a commission which was bound by its sympathies and its feelings and its attachments only to one political party.

Mr. PETTIGREW. I should like to know what part the members of the House and the Senate take in the hearings of the Industrial Commission, or whether its duties are performed by the nine Republican members of the commission?

Mr. KYLE. I will state, for the benefit of my colleague, that the members of the House and the Senate have been present a great deal of the time during these investigations, both in the cross-examination of witnesses and the consideration of all reports made. Colonel LIVINGSTON, of Georgia, has been an almost constant attendant, as well as Senator MALLORY before his illness; and I will say this to his credit, that much of the best work of the commission was done by Senator MALLORY. Senator DANIEL has also assisted us much. Judge BELL, of Colorado, and Senator Mantle, of Montana, were present a great deal of the time. It has been the policy of the commission to assemble all members, both legislative and Presidential appointees, at the time of the consideration of reports before they are finally passed upon.

Mr. PETTIGREW. As I understand, the main work of the commission is done by the nine citizen members of the commission, and the result of their efforts is submitted to the full commission before any final report is made. Is that the situation?

Mr. KYLE. No; not at all.

Mr. MALLORY. Mr. President, I will state, for the benefit of the Senator from South Dakota, that the commission was divided into a number of subcommissions. Each subcommission has had a certain subject assigned to it. The subcommission on agriculture and agricultural labor, which is composed of from three to five members, investigated these two subjects. The conditions of labor and capital employed in manufacturing and general business constituted another subject, which a certain subcommission had charge of. Then there was a subcommission on conditions of labor and capital employed in mining; a subcommission on transportation. Each of these subcommissions, after taking testimony, reported its testimony to the whole commission, and the whole commission either approved or disapproved of the recommendations made by the subcommissions on that testimony. That is the way they proceeded.

Mr. PETTIGREW. I should like to ask, then, what is the scope of the investigation? Do you report with regard to the earnings of capital as well as of labor?

Mr. MALLORY. The effort was to get information that was germane to each of these topics from any source from which it could be derived. Until I was taken sick I will say I endeavored to attend all of the important meetings, and I spent a great deal of time here in Washington attending them. I think Senator DANIEL also attended very regularly the important meetings of the commission and kept up with the proceedings. I can say the same for Mr. LIVINGSTON and Mr. BELL of Colorado.

I think the members of the commission from the House and the Senate attended the meetings of the commission as well as possibly could have been expected, considering the manifold duties they have outside of the duties of the commission.

Mr. PETTIGREW. I should like also to know who composed these subcommittees; for instance, the committee to investigate labor and capital or labor in relation to agriculture. Can the Senator give me the membership of the subcommission?

Mr. MALLORY. I have that here. On agriculture and agricultural labor, Mr. Andrew L. Harris, Mr. KYLE, Mr. GARDNER, Mr. LIVINGSTON and Mr. Conger.

Mr. PETTIGREW. Give me the politics of those people.

Mr. MALLORY. Mr. Andrew L. Harris is, I think, a resident of Ohio. I think he is a Republican. I am pretty certain of it. Mr. KYLE—the Senator knows his politics.

Mr. PETTIGREW. No; I do not know his politics. I should like to know.

Mr. MALLORY. Mr. GARDNER is a Republican, a member of the House.

Mr. KYLE. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Florida yield to the Senator from South Dakota?

Mr. MALLORY. Certainly.

Mr. KYLE. The junior Senator from South Dakota is able to take care of his politics. I will state that fact to my colleague, and I think the people of South Dakota will take care of his politics at the coming election.

Mr. PETTIGREW. I did not doubt the Senator's ability to take care of his politics—

The PRESIDING OFFICER. The Senator from South Dakota must address the Chair and obtain the permission of the Senator who is entitled to the floor.

Mr. PETTIGREW. But I knew he must have a big flock to chase, and I did not know but that he was following—

The PRESIDING OFFICER. The Senator from Florida is entitled to the floor.

Mr. MALLORY. Mr. LIVINGSTON is a Democrat.

Mr. PETTIGREW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. MALLORY. Certainly.

Mr. PETTIGREW. I do not know that I care to make any comment upon the exceeding facetiousness of the Chair in this connection; but I was about to remark, when the Chair stopped me, that a man of such variety of politics as my colleague—

Mr. KYLE. I have about as many as my colleague has.

The PRESIDING OFFICER. The Senator from South Dakota is not entitled to speak without getting the permission of the Chair.

Mr. MALLORY. Does the Senator from South Dakota wish to hear anything more of the personnel of these committees?

Mr. PETTIGREW. I should like to learn the politics of the other members of the commission.

Mr. MALLORY. Mr. LIVINGSTON, a member of the House from Georgia, a Democrat; Mr. Eugene D. Conger, a Republican, I believe. Then, on the subcommission on labor and capital employed in manufacturing and general business, Mr. Ellison A. Smyth, a gentleman from South Carolina. I have always understood that he is a Democrat, though I have never heard him talk politics or express his opinion on any political subject.

Mr. PETTIGREW. He is one of the citizen members of the commission?

Mr. MALLORY. One of the members appointed by the President. Senator PENROSE, Mr. LIVINGSTON again, Mr. John M. Farquhar, who, I believe, is a Republican; Mr. Albert Clarke, who is also a Republican.

On conditions of labor and capital employed in mining—Senator DANIEL, chairman; Mr. Lee Mantle, Mr. THEOBOLD OTJEN, a member of Congress, who, I think, is a Republican; Mr. JOHN C. BELL, a Populist, a member of Congress; Mr. M. D. Ratchford, who has now resigned; he is a Republican; Mr. Charles J. Harris, who is a Republican.

On transportation—Mr. Thomas W. Phillips, chairman, Republican; STEPHEN R. MALLORY, WILLIAM LORIMER, Republican, a member of Congress; Charles J. Harris, Republican; John L. Kennedy, Republican; JOHN C. BELL, Populist.

On statistics—Mr. Farquhar, Republican; Mr. Conger, Republican; Mr. OTJEN, Republican; Mr. Harris, Republican; Mr. Clarke, Republican.

Mr. PETTIGREW. As I understand, the subcommittee to investigate the question of agricultural labor is composed of four Republicans. Of course the purpose in creating the commission was to obtain nonpartisan information upon these subjects. We know how prone political parties are to secure information which will confirm that which they wish to prove, and we know that people appointed upon a commission of this sort, without, perhaps, intending to be dishonest or to mislead or to gather false information, are liable to be influenced by their political bias. For this reason Congress provided that the commission should be nonpartisan.

That that purpose has been defeated by the appointment of nine men who voted for head of the present Administration at the last election is clearly evident. The appointment of subcommissions composed entirely of the supporters of the Administration to investigate the relations of labor and capital is liable to throw doubt



upon their work and their conclusions, destroy the value of whatever they may do, and thus prevent the country and Congress from gaining the benefit it expected to derive from the creation of the commission. Therefore it seems to me that the amendment offered by the Senator from Arkansas ought to be adopted, and the commission ought to be reorganized. Certainly the subcommission with regard to agriculture and labor should be reorganized, for it is composed of four Republicans and my colleague, whose politics, of course, I am unable to define, but who has leanings in the direction of such patronage as may be floating about. Upon that I do not care to comment, because he has informed the Senate that he is able to take care of his politics, and I am sure I would rather he would take care of them than to have the task imposed upon me.

Here, then, is a subcommission of the commission, composed of five men in entire sympathy with the Administration, to sit from now until next election and put forth such bulletins and such information as they may conceive may be of advantage to the Republican party in the coming campaign, and it is to be perpetuated and the money paid out of the Treasury of the United States, I will not say for this purpose, but with this unquestioned result. Therefore I say again that if we expect to get anything of value, anything that will be received with confidence by the people of the United States and that will do good to labor and better adjust the relations between capital and labor, the amendment offered by the Senator from Arkansas ought to be adopted and the subcommission and the whole commission reorganized, so that when we receive their report we can feel that we have something besides a mere partisan political document for use in the coming campaign.

Mr. CARTER. Mr. President, I am not familiar with the personnel of the commission, except as the appointments seem to have been made from this Chamber, and certainly as to the appointments made here the charge of partisanship could be made by a Republican with considerable force, but by a Democrat with very ill grace. It seems that from this Chamber, which contributed five members of the commission, Mr. KYLE, Mr. MALLORY, Mr. DANIEL, Mr. Mantle, and Mr. PENROSE were appointed, only one Republican in the entire bunch. If the investigation of the facts and figures placed before the commission has made of Mantle and KYLE and a number of other members Republicans, we can not be held responsible for that. We certainly placed the investigation, so far as the Senate is concerned, in charge of the Democrats and Independents, or Populists, and Silver Republicans.

Mr. JONES of Arkansas. Who was the Republican?

Mr. CARTER. I believe an inspection, so far as the House of Representatives is concerned—

Mr. JONES of Arkansas. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. CARTER. Certainly.

Mr. JONES of Arkansas. I want the Senator to inform us who the Republican was. He says there was but one Republican.

Mr. CARTER. Mr. PENROSE of Pennsylvania has been recognized as a Republican. At the time the commission was formed, and before the facts and figures relative to the prosperity of this country had been presented to Mr. KYLE, he was recognized as an Independent. I have no doubt, in the presence of the voluminous and conclusive facts presented to him in the course of his investigation, he obtained a change of heart, which did him great credit.

Mr. KYLE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. CARTER. Certainly.

Mr. KYLE. I should like to ask if that was not also the case with the Senator from Montana, Mr. Mantle?

Mr. CARTER. I have no doubt of it. Mr. Mantle is back in the Republican party, and his service upon this commission no doubt contributed quite extensively to an enlightenment of his mind to the extent that he saw the error of his ways and came back to the fold. Primarily there was but a single Republican from the Senate of the United States placed upon the commission. I believe that an analysis of the conditions in the House of Representatives will show about the same state of facts.

Now, relative to the labor representatives, the President of the United States, according to the spirit if not the letter of the law, was required to recognize organized labor in the composition of the commission. After passing through four years of Democratic rule there could scarcely be found a laboring man in this country who had not voted for Mr. McKinley. Yet they were Democrats, and are probably Democrats still, for the leading laboring men of the United States supported Mr. McKinley for the Presidency, and that, too, because of the dire, harsh lesson they had received during the preceding four years. They did not change their politics probably in a permanent way because they undertook to

rebuken the Democratic party for the ills it had brought upon this country.

I have no doubt that the President, in selecting from organized labor at the suggestion of organized labor, speaking through the various agencies and channels through which it may give proper expression to its views, found that those men esteemed by workingmen—those men in whom organized labor had sufficient confidence to send recommendations to the President in their behalf—were men who had voted for Mr. McKinley for the Presidency. What they may do in the future is a matter unknown; but I think it is not fair now to suggest that because three men selected as prominent representatives of organized labor happen to be persons who voted for Mr. McKinley, that therefore his action in making the selection was a partisan action. I think that in each and every case the President was guided not by the political affiliations of the representative of labor appointed, but rather by the recommendations that came from organized labor all over the country recommending certain men—prominent, brilliant, honest, clear-minded, representative men—who could go into an investigation of statistics and economic conditions, and give a fair, just, and impartial conclusion as the result of the investigation.

I do not think there has been, at least I have not been advised of any complaint of organized labor, any charge that any of the three men representatives of organized labor upon the commission are not thoroughly representative of the idea the President had in mind in placing them upon the commission. The complaint does not come from organized labor. The men upon the commission, placed there as the representatives of organized labor, have been by the mute, silent acquiescence of all the laboring people of the country satisfactory to them.

Mr. President, in reference to the others, we will take Mr. North, from Massachusetts, a Republican, it is true, but a man whose eminence as a statistician, whose knowledge of manufacturing and manufacturing conditions lifted his name far above partisan consideration. He was preeminently qualified for this position, and I have no doubt, with the reputation he bore and the confidence of the people of the country in his judgment and fairness, the President would have as quickly appointed him had he been a Democrat.

With respect to the other men selected as members of the commission, I think we would upon investigation find that the same disinterested, patriotic considerations impelled the President in making each and every selection. I reiterate that so far as the experience of this part of the legislative body of the country is concerned, we had one Republican and four in the opposition appointed to represent us on the commission.

Mr. TILLMAN. I will call the attention of the Senator, before he sits down, to the fact that the act creating the commission was passed in June, 1898, and the subject of finance was not given into their charge to investigate. Therefore any differences that might have existed between Senators who were appointed and the Republican party were only financial, and therefore his case is not made out. This commission was appointed to investigate agriculture—

Mr. CARTER. Will the Senator allow me for a moment?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. TILLMAN. With pleasure.

Mr. CARTER. So far as the Senate is concerned, I think it may be accepted as a fact beyond dispute that Senator PENROSE was recognized by the Republicans of the Senate, and by the Democrats as well, as the only Republican upon the commission.

Mr. TILLMAN. In 1898?

Mr. CARTER. In 1898. The Senator will recall the fact that when this body was organized some time prior to that, each of the gentlemen named upon that commission from this body, save and except Mr. PENROSE, was classified with the opposition and accepted as of the opposition in the assignment to committees and in each and every disposition made in reference to party matters.

Mr. TILLMAN. At the same time we claimed the Senator from Montana, too.

Mr. CARTER. You did claim him?

Mr. TILLMAN. He lined up with us on the silver question for a time, but his old love for Republicanism overcame his love for silver.

Mr. CARTER. He lined up on silver, but never in the Democratic party.

Mr. JONES of Arkansas. I think the Senator from Montana is correct in what he says about the composition of the Senatorial part of the commission. I was not complaining about that. Senators were selected fairly and impartially by the presiding officer of this body and in strict accordance with the spirit of the law. The members of the House were selected in the same way. But what we complain of is the fact that the other nine members, who were to compose the active working members of the commission, all practically belong to one political party.



The subcommittees that have charge of the different work, of the men who do the active work, are the men who were appointed by the President. The members of the House and the members of the Senate can not attend regularly at these meetings. They go occasionally. They keep up with the work as well as they can, and they do a large amount of valuable work in this way; but the active, steady work of the commission is done by the men who were selected by the President, and they are all practically of one political party. There was no fairness of division in it.

Hence I think the amendment proposed is just, and it ought to pass.

Mr. CARTER. If the Senator will permit me, I think, upon an analysis, he will find that the commission as at present existing is composed as follows: Eight Republicans, 5 Democrats, 3 Independent Silver Republicans or Populists, and 3 representatives of organized labor. As to the candidates for whom the representatives of organized labor voted in 1896 I am unable to speak. I doubt not that the President failed to make any inquiry in that behalf. But if a fair commission is to be selected, I would like to have the Senator explain how he can make it any more fair than by placing upon it 8 representatives of the Administration, there being 8 persons opposed to the Administration, and putting the balance of power in the hands of 3 representatives of organized labor. A commission thus constituted is fairly constituted.

Mr. ALLEN. Mr. President—

Mr. TILLMAN. I ask the Senator from Nebraska to give me one moment.

Mr. ALLEN. Certainly.

Mr. TILLMAN. I have another quarrel to make with the composition of the commission, differing entirely from its political complexion, and that is that there is no representative of agriculture on it at all. While there are 30,000,000 or more farmers in the United States, there was not one of them found to be of sufficient ability or sufficient influence or pull, or whatever means were used to get an appointment, to obtain a place on the commission.

Mr. KYLE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. ALLEN. I yield to the Senator from South Dakota.

Mr. KYLE. I will state to the Senator that Andrew L. Harris, of Ohio, a member of the commission, is a practical farmer, and lives on his farm. That is his occupation.

Mr. TILLMAN. Does he mix politics with agriculture?

Mr. KYLE. No; I do not think he is a politician.

Mr. TILLMAN. I am glad to find that I was mistaken as to one man who was appointed as a farmer, even though he be a Republican.

Mr. ALLEN. Mr. President, much of this discussion is perhaps more facetious than sound. The Senator from Montana, I presume, will not claim to have made a statement with any degree of seriousness upon this subject. But the Senator from Montana can simulate seriousness, at times, so closely to the genuine article that it would be difficult for any person reading his remarks to discover how they differ from a statement of fact. He disagrees with the distinguished senior Senator from Iowa, who is, in my judgment, the leader of the other side of the Chamber, not only by years and experience, but by all those qualities which make an adept and skillful political leader, because that Senator says that nonpartisan means eminent and has no reference whatever to the political opinions of the different members of the commission.

I recollect distinctly that the question came out in debate in the Fifty-fifth Congress, when this commission was authorized, as to what its character should be, and the debates will show that it was understood that the commission, on the whole, was to be nonpartisan politically. It was understood then, as it is to be understood now, that it would practically be impossible to secure a commission of 19 men capable of discharging the duties imposed upon them who did not have some kind of politics. If they were found so dormant and so lifeless as to have no political conviction whatever it would be quite conclusive evidence that they did not possess the requisite qualifications to discharge the duties that would be imposed upon them. So it was understood and so it was thought when this commission, which is perhaps an anomaly, was to be appointed it would be as near nonpartisan as possible, partisan Republicans being appointed, partisan Democrats being appointed, possibly partisan Populists being appointed, but that the commission as a whole would not be partisan in its entirety.

Mr. CARTER. Will the Senator submit to a question at that point?

Mr. ALLEN. With pleasure.

Mr. CARTER. Does the obligation extend beyond the original appointment, or when, as has happened in this case, a number of members of the commission, persuaded by the facts, changed their politics and became Republicans, was the President thereby obligated to remove them from the commission and appoint in their stead Democrats or some one in the opposition?

Mr. ALLEN. I do not know what the President would be obligated to do.

Mr. ALLISON. Will the Senator allow me to make a suggestion to him there?

Mr. CARTER. Certainly.

Mr. ALLISON. The law in this regard is very curiously framed. It provides that "in case the term of a Senator or Representative expires while a member of this commission, said Senator or Representative shall not thereby cease to be a member of said commission, but shall serve until the expiration of the term for which he was appointed," which term is two years, that being the duration of the commission. So, by operation of this statute, at the expiration of the term of a Senator or Representative he would by force of the statute continue, and the President would have no authority or power over him.

Mr. ALLEN. I do not suppose it was within the contemplation of Congress at the time this law was passed and at the time the President approved it that any member of the commission would change his politics during the life of the commission. Probably that should be regarded as a legislative omission, and we were not as wise in the passage of the law as we ought to have been.

But certainly, Mr. President, beneath all this superficial discussion and this running debate which leads into partisanship, the real purpose of the appointment of the commission was to get men of different political convictions and men who looked at economic and other questions from different points of view, so as to obtain an honest investigation of the industrial condition of the country and of the relation existing between capital and labor in all their different ramifications and furnish to the world the truth as far as that could be ascertained. I do not think any man occupying the high official position of President of the United States would so far forget the obligation resting upon him as to appoint a man upon an important commission like this whom he believed at the time of the appointment would observe the letter but violate the spirit and purpose of the law. It is inconceivable to me that the President of the United States or any other gentleman charged with high and sacred duties would do that.

But one thing, Mr. President, is quite certain. I say it with some degree of diffidence, because my friend who sits in front of me [Mr. KYLE] is chairman of the commission, as I understand it. This commission has not come up to the high expectation of those who advocated its creation. What has it done? It has compiled the different labor laws and corporation laws of the United States, which had been done before the commission was created. It has taken, so it is said, a vast amount of evidence, which has been digested and which has been published in one or more volumes. What conclusion has it reached? What power does it possess? It is as impotent and powerless as a new-born babe so far as any recommendation it may make or any order it may execute.

Mr. KYLE. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. KYLE. I wish to state that they had power to make investigations, to digest the evidence taken, and make recommendations to Congress. On each branch of inquiry the commission have made recommendations to Congress, as the Senator will find by a reference to their reports.

Mr. ALLEN. Yes; it has power to take evidence and to make recommendations. It is within the power of every human being to make recommendations.

Mr. KYLE. They can not pass laws.

Mr. ALLEN. Nor can the commission pass laws. The President is empowered to recommend to Congress such laws as he may think would benefit the Union, and he is empowered by the Constitution to do that through messages sent to Congress from time to time. Yet I presume it will not be denied that the President communicates with the different members of Congress privately more frequently than he communicates with the different Houses by message, and that the President's will finds expression in either branch of Congress more frequently by verbal communication to the leading members of his party than through any constitutional channel by message.

So, while it is in the power of this commission to make recommendations to Congress, and while it is a thing to be hailed with delight that Congress in its blind effort should rise above partisanship and enact laws that will be for the benefit of labor and for the benefit of the country, and Congress should congratulate itself that it has the distinguished wisdom of this most enlightened commission, yet Congress is not bound to follow any of these recommendations. I presume it will be conceded the world over that the man whose opinion is not worth having and the man who is charged with the discharge of public duty must after all follow the conviction of his own mind regardless of the recommendations of commissions, however enlightened they may be.

But what has this commission recommended? What has it done except to compile laws that have heretofore been compiled, and to digest evidence which it is conceded for practical purposes



is a destruction of the evidence, for no man who is used to examining evidence and determining its force and weight and its pertinency to a given issue will ever take 10 per cent of the evidence that was really introduced and which was digested possibly by some man who knew nothing about the rules of evidence. If I understand the matter correctly, much of the most important evidence taken before this commission was eliminated entirely and was never published, and never will be published unless upon private account.

Mr. KYLE. Mr. President, the Senator should not make that statement without some qualification. I was present at the discussion of all these reports and know whereof I speak when I state that nobody's testimony has been eliminated at all.

Mr. ALLEN. Was Mr. Lockwood's evidence eliminated?

Mr. KYLE. Not in regard to facts.

Mr. ALLEN. How much of it was eliminated?

Mr. KYLE. Only that part of it which referred to personalities.

Mr. ALLEN. That part which referred to litigation, was it not?

Mr. KYLE. Personal attacks upon the members of the court and the President.

Mr. ALLEN. I do not care about those things; personal attacks ought to be eliminated; but I am speaking about that portion which had reference to certain litigation in the State of Pennsylvania. Was all that eliminated?

Mr. KYLE. It was not all eliminated. All questions of fact were allowed to remain.

Mr. ALLEN. I do not know whether I am right or not, but I get my information from those who were present during that investigation, and I have had an opportunity to see some of the evidence which it is said was eliminated bodily. I do not know whether that be true or not, because I have not seen the digest; I have not made the comparison, and therefore I am not in an attitude to assert the fact to be one way or the other.

But, however that may be, Mr. President, there is no power under the act of Congress creating the commission which authorizes the commissioners to exclude evidence. Where is the power under the act of 1898 giving the commissioners authority to say what evidence shall be received and what shall be rejected? There is not a syllable in the act conferring that authority. Yet they assume, without the slightest authority from Congress or the power that creates them, to say, "We will receive such evidence as suits our convenience, and we will exclude such evidence as we see fit to exclude." There is no revisory power anywhere, no tribunal to which an appeal can be taken, and parties who submit evidence must be contented with the rulings made by that administrative body.

Mr. MALLORY. Will the Senator permit me to interrupt him?

Mr. ALLEN. Certainly.

Mr. MALLORY. I think the Senator is mistaken in the statement he makes to the effect that the commission excluded such evidence as it thought proper and retained such evidence as it thought proper. My experience, which extended over some length of time, was that the case of Mr. Lockwood was the only instance in which there was any ground for such an accusation. I did not approve of it myself; but at the same time on an investigation I found that what was excluded from Mr. Lockwood's statement was a series of personalities directed against certain individuals, in which their characters were assailed without any benefit that would come to the public from its publication.

Mr. ALLEN. I agree with the Senator that that evidence ought to have been taken out. I said that before the Senator interrupted me.

Mr. BUTLER. I will say to the Senator from Florida that I have seen what purports to be Mr. Lockwood's testimony with the parts that have been eliminated marked around, and there are a great many facts and matter outside of personalities so marked. I do not know whether it was eliminated or not, and I can not know until I see the report.

Mr. CAFFERY. I ask the Senator from Florida whether the parts stricken out of Mr. Lockwood's testimony embrace only personalities and assaults upon the court?

Mr. MALLORY. That is my recollection. I was not satisfied with it, and I did not approve of striking out any testimony; but I examined into it, and I became satisfied that it was nothing which it was material to eliminate.

Mr. CAFFERY. There were no facts eliminated?

Mr. MALLORY. No facts with any material bearing on the investigation were eliminated. That is my recollection.

Mr. ALLEN. I say again that no witness ought to take advantage of his position as a witness to assail the private character of even a private individual or any other person; and so far as the commission may have exercised any authority it possessed to exclude or eliminate anything of that kind from the evidence I think they acted wisely.

Mr. KYLE. If the Senator will allow me, I will state that the only rule adopted by the commission in regard to the taking of

evidence was to strike out any personalities of that kind which might occur.

Mr. ALLEN. Mr. President, I have been informed\* of a number of things that took place before the commission during the time it was sitting in this city and making its investigations. My information comes from those who claim to have been eyewitnesses and who listened to what transpired. The witnesses are here in this city; they are responsible and reliable men. The information is to the effect that much of the valuable evidence bearing directly upon questions the commission were to investigate was bodily eliminated by the action of the commission or the sub-commission and does not appear in any official report of the commission.

Now, whether that be true or not I do not know, because I am not a member of the commission. I never attended one of its sessions. I did not believe when it was created that it would serve any useful purpose. I thought then, as I think now, that it would be and is abortive. The sooner it is abolished the better off the country will be, and the expenses of continuing it will be saved to the Government.

But my information went further. It was to the effect that some of these commissioners—I will not say some, but I will say one; and let me say parenthetically that the one came neither from the House nor the Senate, so that gentlemen may not feel called upon to interrupt to protest against my statement—one of these commissioners, at least, when anticipating that a witness might testify possibly to certain facts that he regarded as damaging, would take that witness and, as lawyers say, horse-shed him, take him out of the room, cajole him, threaten him, and by every possible means endeavor to get him to shade it and make it less strong than it would be otherwise.

Mr. KYLE. Who is that?

Mr. ALLEN. The Senator asks who is that. I told him in advance that it was not a member taken from either of the two Houses of Congress. I am prepared to speak the name and to produce witnesses whenever an investigation of the matter may be ordered.

Mr. KYLE. The commission would be very glad to hear the name. I have spent a great deal of time at the meetings of the commission, and I have never known of such a transaction.

Mr. ALLEN. I do not think the Senator would know it. Mr. President, I do not think the Senator is following along that path of life. He is traveling the narrow way in which you travel, Mr. President; but this other man was traveling the broad way in which the multitude are walking, as I understand it. Therefore there would be no sympathy or personal or political relation between the Senator from South Dakota and this other gentleman, who is nameless for this occasion.

Mr. KYLE. I merely wish to remark that the commission, I am confident, is not cognizant of any such transaction.

Mr. ALLEN. I do not say that the commission was cognizant of it. Mr. President, it is not well for the Senator from South Dakota to protest too much. No accusation has been made against him. I have a high respect for the Senator from South Dakota. Our relations are of the most kindly nature, and I will say nothing that would reflect upon him. But, Mr. President, it is not well to protest too much, for he who protests when not accused sometimes raises a doubt as to his own attitude.

Now, Mr. President, I think this commission, with all due respect for its personnel, is a sham, a fraud, and a delusion, and it has no useful purpose in this world or in the world to come. It was not created for any useful purpose. I remember distinctly when certain gentlemen were running around the corridors at this Capitol urging the passage of the act creating it, I took occasion to say to them that it would be a useless expense upon the part of the Government to create it and authorize it to make any investigation; that the investigation would amount to nothing. They seemed to think that I did not understand the situation at all, and I acquiesced in their judgment to the extent of not antagonizing the passage of the law. I was as well satisfied then that it would prove useless as I am satisfied now that it has proved useless.

I want to say, Mr. President, that you will not live long enough nor will any man in this Chamber live long enough to see a commission of this kind, having no judicial power whatever, performing any useful function which may be conferred upon it. It can not do it. Suppose witnesses refuse to come before this commission, what are you going to do? Where is your power to send process for them and compel them to come before you and testify? You have no power. You can not issue a warrant of attachment to bring them before you. A man may sit before you as silent as the grave when you put questions to him, and you have no power to force him to answer or to punish him if he refuses to do so. So, after all, whatever he may give you in the way of evidence may be truth or falsehood, according to the conscience or the lack of conscience of the particular witness.

The Senator from Iowa, as I understand his position, wants it



continued a few months that the balance of these reports may be published. Do I understand the Senator that it is then his purpose to have the commission go out of existence?

Mr. ALLISON. By force of the amendment proposed by the committee it goes out of existence on the 15th day of December.

Mr. ALLEN. Of this year?

Mr. ALLISON. Nineteen hundred and one. We were informed by the commission that this additional time would be required in order to enable them to perfect and complete their various examinations.

Mr. ALLEN. Is it anticipated that the life of the commission may then be extended?

Mr. ALLISON. It is not proposed to extend it beyond that time. The Senator perhaps did not hear the statement of the chairman of the commission, the Senator from South Dakota [Mr. KYLE], who stated that it was with reluctance that the commission continues during the next year, and that all of the members of the commission, or nearly all of them, were very desirous of closing at an earlier day, but that the public interest would not permit it.

Mr. ALLEN. If the labors of this commission have been performed, with the exception of putting the matters now in their charge into printed form and binding it, why could that not be done by one or two men and not continue the entire 19?

Mr. ALLISON. That probably could be done.

Mr. ALLEN. I do not understand the Senator from South Dakota to claim that there will be any more meetings of this commission for the purpose of investigating any question.

Mr. KYLE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. ALLEN. Certainly.

Mr. KYLE. Mr. President, I will say that there are several subjects we have not yet fairly taken up under the provisions of the statute creating the commission. The subject of agriculture we have gone into to only a limited extent.

Mr. TILLMAN. The farmers always get behind.

Mr. KYLE. We have investigated somewhat the cotton industry in the South, but we have yet to take up the wheat and other interests of the West—nor the transportation question as relates to agriculture. We, moreover, have not touched Pacific coast interests.

Mr. ALLEN. What is there about the need of an investigation on those subjects except on the question of transportation?

Mr. KYLE. We have a great deal in connection with the subject of transportation and a number of other questions embraced in the statute of 1898 creating the commission.

Mr. ALLEN. There is nothing in the Agricultural portion of the investigation, or the wheat portion of the investigation, to which the Senator refers, that can be investigated with any degree of success, except the question of transportation. So there can be no necessity for a continuance of the commission so far as that is concerned.

But, Mr. President, in conclusion I want to say that it is my judgment that it never was intended that this commission should amount to anything. It was only a little sop thrown out to the unfortunate to appease them for the time being and make them believe that, after all, the Republican party intended to do something for the laboring man.

Mr. KYLE. If the Senator will permit me, I will state that the whole idea of the commission was first taken up and discussed during a Democratic Administration. Some of the most influential men then demanding the creation of the commission and investigation along these lines were Democrats, Farmers' Alliance men, and labor organization men. They then considered that a very important thing to do; it was all-important, and there was very great regret that the commission was not created before the expiration of Mr. Cleveland's term of office.

Mr. ALLEN. Mr. President, Pope says:

Hope springs eternal in the human breast:  
Man never is, but always to be blest.

And that doctrine seems to be thoroughly understood by the Republican party. They are always holding out hope and promise that the laboring man shall be cared for in legislation; and yet, Mr. President, they see to it with systematic regularity that every burden falls upon the shoulders of laboring men upon the farm, in the factory, and in the different departments of the world of labor. They were caring for the laboring man when they increased the cost of his living 100 per cent within the last two or three years and only increased his wages about 10 per cent; so that he does not make more than is necessary to keep his soul and body together; and yet we are told that this commission of 19 men—not a commission of men skilled in the investigation of these questions, let me say with due deference to its membership—we are told that the mission of this commission is to clear the way for benefits to come to the laboring man. God help the laboring man if his destiny is to be controlled by that party.

Why, Mr. President, he will look until he is gray, until his step grows heavy with age and his eyesight dim, for the pathway that leads from his present deplorable condition to a higher state of civilization and to better times.

This is a mere makeshift. It was intended as such. There is no hope; there is no purpose upon the part of the other side of the Chamber to make this commission effectual to benefit the conditions of the people of this country.

Who are the laboring men appointed upon this commission, and what branches of labor do they represent? Forty-nine per cent of our population in this country is nonurban; they do not live in towns and cities; they live upon the farm and upon the plantation. There are two great, powerful farmers' organizations in this country that embrace within their membership millions of people—the Grange and the Farmers' Alliance. Where is the representative of either one of those organizations on this commission? They were systematically ignored because the Grange and the Farmers' Alliance do not follow the Republican party as a rule. Where is the representative of the Federation of Labor, confessedly the greatest organization of laboring men off the farms in this country? No man from that organization appears as a member of this commission.

Mr. KYLE. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. ALLEN. Yes, sir.

Mr. KYLE. I will state to the Senator from Nebraska that there are three representatives of the National Federation of Labor upon the commission.

Mr. ALLEN. Who are they, and what do they represent?

Mr. KYLE. There is Mr. Ratchford—

Mr. ALLEN. What does he represent?

Mr. KYLE. He is the president of the Miners' Union of the United States, which is a branch of the Federated Labor Assembly. Then there is Mr. Farquhar, who, I believe, until recently, was president of the Typographical Union—

Mr. ALLEN. That is two—the Miners' Union and the Typographical Union.

Mr. KYLE. And Mr. Kennedy, I believe, who was associated with the Printers' Union.

Mr. ALLEN. The Miners' Union, the Typographical Union, and the Printers' Union are represented, and those are all, which I suppose is enough to comply with the mere letter of the law.

Why was not Mr. Gompers, the head of the Federation of Labor, placed upon this commission? Why was not the head of the Knights of Labor, which is perhaps the next great labor organization, placed upon this commission? The members of this commission remain silent on that question. Those men would not serve the purpose the commission was intended to accomplish; and that was nothing.

No person will be mistaken about this commission. Men who labor in the fields and in the different walks of laboring life will not be deceived by it nor by any representation it may make. All the crocodile tears that are shed from time to time about the poor struggling laboring man will never deceive those who are engaged in honest toil and who watch from day to day the insincerities of legislation and administration.

I think this whole amendment ought to go out and stay out.

Mr. MALLORY. I offer a substitute for the amendment submitted by the Senator from Arkansas [Mr. JONES].

The PRESIDING OFFICER. The Chair will call the attention of the Senator to the fact that there is already an amendment to an amendment pending, and therefore his proposed amendment would not be in order. It will, however, be read for information if the Senator so desires.

Mr. MALLORY. I ask that it be read for information.

The SECRETARY. At the end of the committee amendment on page 151 it is proposed to insert:

*Provided, That in filling any vacancy that may hereafter occur in the personnel of said commission appointments shall be made so that not more than 9 of its members shall belong to any one political party.*

The PRESIDING OFFICER. The amendment will be considered as pending.

Mr. JONES of Arkansas. I accept that in place of my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Florida is accepted by the Senator from Arkansas; and the question is upon that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment of the committee as amended.

Mr. WOLCOTT. What is the amendment?

Mr. ALLISON. It is the amendment between lines 10 and 22, on page 151, as I understand.

The PRESIDING OFFICER. That is as the Chair understands it.



Mr. PETTIGREW. I have an amendment which I wish to offer to this paragraph, which I will send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. It is proposed to add the following proviso:

*Provided, That 9,000 copies of the report and digest prepared by the Industrial Commission, together with all evidence taken by said commission, be printed, 3,000 for the use of the Senate and 6,000 for the use of the House of Representatives, \$20,000, or so much thereof as may be necessary.*

Mr. ALLISON. I suggest to the Senator from South Dakota that if his amendment be agreed to, it will be unnecessary to make an appropriation to carry it into effect. It will be paid out of the appropriation for printing.

Mr. PETTIGREW. I will modify my amendment by striking out the words "\$20,000, or so much thereof as may be necessary," and I offer it with those words stricken out.

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified to the amendment of the committee.

Mr. JONES of Arkansas. In connection with that amendment I should like to ask the chairman of the Industrial Commission, the Senator from South Dakota, one question. I understand among the other subcommittees that the Industrial Commission has an editing committee. Is that true?

Mr. KYLE. We have not an editing committee, properly speaking.

Mr. JONES of Arkansas. You have no editing committee?

Mr. KYLE. No; that is, not for that purpose. What does the Senator mean by "editing?"

Mr. JONES of Arkansas. For the purpose of editing the testimony taken before the commission and changing it to suit the views of that particular committee.

Mr. KYLE. No; we have no committee that has any such power at all.

Mr. JONES of Arkansas. I have been told by a member of the commission since this debate has been going on that such is the fact; and the chairman of the committee tells me there is no such thing. Of course, if what he tells us—

Mr. KYLE. We have our chief stenographer, who, with certain other parties, look over the testimony to see that it is grammatical or free from minor errors. If there is any material change, it is made by the whole commission.

Mr. JONES of Arkansas. Who are the other parties? The Senator says the testimony is gone over by a "stenographer and certain other parties." I should like to know who the other parties are. The stenographer is not a member of the commission, and yet he is authorized to go over the testimony. Who are the other parties?

Mr. KYLE. The other parties are members of the commission.

Mr. JONES of Arkansas. Who are they?

Mr. KYLE. I do not know that I can offhand name the men who perform that duty.

Mr. JONES of Arkansas. Who is it that performs that duty?

Mr. KYLE. I do not remember the names.

Mr. JONES of Arkansas. Is it a roving commission?

Mr. KYLE. No; it is not.

Mr. JONES of Arkansas. It is a very grave charge to be made, that there is an editing committee in this commission who take up the testimony as given by the different individuals and change it. The statement has been made here once or twice on the floor that material changes have been made in the testimony of witnesses, and that has been denied. I understand that these statements are made. As I stated a while ago, it is charged that there is an editing committee in this commission. I thought that was a most extraordinary proceeding, and I should like to understand it. I have now the positive denial of the Senator from South Dakota, the chairman of the commission, that there is any such editing committee. Then he modifies it by saying that they have no power to act.

Mr. KYLE. No power to act without the advice and consent of the whole commission.

Mr. JONES of Arkansas. Then there is an editing committee?

Mr. KYLE. That is the whole commission.

Mr. JONES of Arkansas. There is an editing committee; but it has no power to act?

Mr. KYLE. It has no power to act.

Mr. JONES of Arkansas. There is an editing committee that has no power to act?

Mr. KYLE. But it has the power to edit in the sense of making minor corrections. Who edits our debates in the Senate, I ask the Senator from Arkansas, but our chief stenographer?

Mr. JONES of Arkansas. I am not talking about the debates in the Senate, but I am trying to find out about the reports of the commission.

Mr. KYLE. I want to draw the parallel between the two.

Mr. JONES of Arkansas. Go ahead.

Mr. KYLE. We pursue the same course in the commission that is pursued in this body.

Mr. JONES of Arkansas. What course is that, I should like to know?

Mr. KYLE. What is the course pursued here?

Mr. JONES of Arkansas. I do not know. I never reported a day in my life.

Mr. KYLE. I think the Senator does understand thoroughly.

Mr. JONES of Arkansas. I do not; but I should like the chairman of the commission to say whether there is an editing committee appointed by him?

Mr. KYLE. None, except the commission itself, which only has the power to change any feature of the testimony.

Mr. JONES of Arkansas. What does the stenographer do and what do these other parties do?

Mr. KYLE. The stenographer has power to change certain things; that is, to correct the phraseology; and we have printed instructions as to that; to correct bad grammar and things like that, but not change in any material sense the meaning of a sentence of the testimony taken before the commission.

Mr. HOAR. May I ask the Senator from South Dakota, Has anybody the power to change the meaning of a sentence?

Mr. KYLE. No; nobody has done it, and nobody has any power to do it.

Mr. JONES of Arkansas. How does the Senator know that the editing committee does not change the meaning of sentences? Does the Senator read over all their recommendations and all the testimony?

Mr. KYLE. All the proof is gone over by the commission as a whole, every particle of it. The subcommittee on manufactures, for instance, goes over the proof of all the testimony taken before the subcommittee on manufactures, and the subcommittee of agriculture goes over entire and in detail every sentence of the testimony taken by the subcommittee on agriculture; and after seeing that the typewritten report corresponds to the stenographic notes, if there are any material changes to be made, such as personalities referred to awhile ago, then the whole commission take action. That is all.

Mr. JONES of Arkansas. I thought it was a grave charge that there was an editing committee to go over the statements made by persons who should appear before the commission, and because several persons who appeared before the commission have told me that their testimony was outrageously edited—which I was slow to believe; I had doubts about it, was the reason I asked the question. The Senator from South Dakota has told us that there was no such committee, and then that "the stenographer and other parties" would go over and edit it, but without the power to act. I accept the statement made by the Senator from South Dakota as true; but if the statement made by other persons turns out to be true, that their statements have been materially changed and modified by this editing committee, it is a very serious matter in my opinion.

Mr. KYLE. I will set the Senator right upon this matter. Just as I stated a moment ago, the witnesses are called before the whole commission, if in Washington, and their testimony taken. If a subcommittee, for instance, should go to Boston or elsewhere to take testimony, the witnesses appear before the subcommittee, give their testimony, and the stenographic notes are brought to the commission's headquarters, dictated to typewriters, and written out. Then the evidence is read over and the chief stenographer is empowered, under the printed rules of the commission, to make minor changes in phraseology, etc., but in no case to change the meaning of any sentence.

It is a blessing, let me say, to the people of this country that we have a chief stenographer who edits the reports of what goes on in the Senate of the United States. If everything was published just as it is taken down and not changed or edited by the chief stenographer, we should have a queer RECORD.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. KYLE. Certainly.

Mr. LODGE. The chief stenographer of the commission simply does ordinary proof reading.

Mr. KYLE. The chief stenographer of the commission simply does proof reading, that is all. Then the copy goes into the hands of the subcommittee to which the work is assigned. If there is any change in the phraseology or any cutting out of the testimony that makes any material change with regard to the evidence, the whole matter is brought before the commission as a body.

Mr. PENROSE. I should like to interrogate the Senator from Arkansas, if he will permit me.

Mr. JONES of Arkansas. Certainly.

Mr. PENROSE. I should like to ask the Senator whether he is willing to specify what is the particular testimony he refers to, and to give the names of the witnesses whose testimony has been altered, changed, or garbled?



Mr. JONES of Arkansas. I stated a while ago, but I suppose the Senator was not present—

Mr. PENROSE. I was not in the Chamber.

Mr. JONES of Arkansas. I said that one man, who stated to me that his testimony has been materially changed, is a man living in this town by the name of Schulteis. He told me yesterday that every material statement made by him had been taken out by this commission and that his statement was not printed at all as he gave it. I asked him if he had the testimony as he gave it, and he said that he had. I then asked him to bring it to me, so that I could take the statement as printed by the commission and as given by him before the commission and could compare the one with the other for the purpose of calling to the attention of the Senate and of the chairman of the commission that fact, but he has not brought his statement to me. I know nothing more about it than what he has said.

The Senator from South Dakota [Mr. PETTIGREW] alluded to another case of which I had heard; but which I have not mentioned at all, of some man whose testimony he claimed had been edited—that of Mr. Lockwood, I believe—but outside of that I have heard of another statement that one of the Arbuckles made about his buying sugar lands in Cuba and the reasons why he did it, and that every word of the statement made by him, which was thought by some gentlemen to be very material and important, was all stricken out of the report of the commission. Whether these things are true or not I do not know. I simply state what I have heard on the outside; and that is the reason I have asked whether the statement made that there was an editing committee, which took the liberty of changing a man's statement in his absence, was true or not true.

Mr. PENROSE. Mr. President, I should like to state, as a member of that commission, that I never heard a suggestion of the alteration or suppression of testimony before the commission. Neither have I, at the few meetings which I have been able to attend, ever heard a single partisan suggestion infused into the proceedings of the commission. It has been industrious, painstaking, conscientious, and careful, in my judgment; although I must say as a member of it, I have not been able to devote that time and attention to it which my interest in the great problems confronting it would lead me to do had I the time and the opportunity.

It seems to me that these charges are not sufficiently substantiated. They are groundless, frivolous, and uncalled for.

Mr. KYLE. Will the Senator allow me a word in that connection?

Mr. PENROSE. Certainly.

Mr. KYLE. The original stenographic notes of the testimony taken before the commission are preserved and are upon the files of the commission, so that a comparison can be made by anybody at any time.

I will state that I corroborate what the Senator from Pennsylvania says. I have been present at nearly all the hearings before the commission, and I have not known it to be the case that alterations of substance have been made in the testimony.

Mr. PENROSE. As to the appointments of these commissioners being based upon partisan considerations, I believe that almost every member of that commission has been appointed by reason of his record as a student or as an expert in labor and industrial matters, or by reason of some connection or association with questions of that character. I know in my own case my desire to get on the commission, and probably the reason that I was appointed, was because I was a member of the Committee on Education and Labor, and have always in my public career taken an interest in labor organizations and in labor matters, which are such important questions in the great industrial State which I represent.

I believe that is also true of the Presidential appointees; that they are men skilled, expert, who have a distinct record in questions of this character. There has never been a suspicion of a suggestion of partisanship in any hearing or any proceeding before the commission. The commission have at all times been willing, so far as I know, to hear any responsible person who was willing and desirous of appearing before them, and they have heard him at length, carefully and considerately, and I have every reason to suppose that testimony has been accurately taken down, and is preserved in the archives of the commission.

Mr. PETTIGREW. Mr. President, I have a statement here made by Mr. M. L. Lockwood with regard to his testimony taken before the Industrial Commission. He says:

I find that the most vital words, sentences, and paragraphs have been stricken out. In fact, I find that the whole chapter of facts in regard to the Matthews case has been stricken out. And I have come to ask you by what authority this was done? Has the commission ordered it done? If not, who has? What power is it that is strong enough to strike from the records the most important parts of my testimony?

Is it this great corporate power against which this evidence is directed? If so, I submit that it is a further evidence of the truth of that old adage that "He whom the gods would destroy they first make mad."

This testimony is my testimony. It was coined out of thirty years of life's experience in the field in which monopolies and trusts have control.

Mr. Lockwood lives in the oil regions of Pennsylvania, and every one who knows anything about the history of the transactions in that locality must appreciate the force of this statement. He continues:

It was earnestly and carefully considered before it was presented. This commission is not responsible for my testimony, but this commission is responsible to the people for an honest record of the testimony of all men as presented.

I have no combat against men. My combat is against this accursed system of monopolies and trusts and railroad combines which is destroying the equal rights and equal opportunities of the American citizenship.

You will remember that I stated to the commission in June that the testimony in regard to the Matthews case was given after a careful, earnest study of the sworn testimony in that case, and that I had been irresistibly forced to the conclusion and conviction which I had expressed to the commission, and that I felt that I would be untrue to the State if I had not expressed to you my honest convictions. All of this part of my testimony was stricken out.

If there is any power to strike out a portion of my testimony, then the same power can strike out all of my testimony. It can make my testimony what it will; and, if this is so, there was no need of putting me to the trouble and expense of coming here to Washington to testify. If my testimony can be made up to suit somebody else now, then it could have been made up without my being asked to testify. If my testimony can be thrown out, then any testimony can be thrown out, and the book of evidence of this commission can be made one-sided and to suit whoever controls.

I came before your commission in June, at your request. It was not of my choosing. You have the power to subpoena and bring me by authority of law; and I submit to your honorable body that I have the right to demand to have my testimony honestly recorded, and I ask that it be done.

This is the protest or statement of Mr. Lockwood to the Industrial Commission. He is the president of the Anti-Trust League of the United States. I have read what he says about his testimony and about its being edited. He now publishes his testimony and shows what was stricken out. Here [indicating] there is more than a column; here [indicating] are several lines stricken out, and here a third or a quarter of a column. Here are several lines omitted. Here is a large section of his testimony omitted. If that is a sample of what the Industrial Commission is doing, we had better abolish it at once. If it is to be a means for this sort of work, of course its usefulness is at an end.

Mr. H. J. Schulteis has just told me, within a few moments, that his testimony was edited and changed in a material way. He also informed me that the testimony of miners from the Cœur d'Alene region before the House Committee on Military Affairs was that their testimony was edited, and not only edited, but material parts of it were stricken out and left out in the published testimony, and that the investigation was a fraud.

I also have in my hand a petition addressed to the people, the Congress, and the President of the United States, handed to me by Mr. H. B. Martin, who is secretary of the American Anti-Trust League.

*To the people, the Congress, and the President of the United States:*

In response to the demand of organized labor throughout the United States, the Industrial Commission was created by the Fifty-fifth Congress for the purpose of obtaining testimony relative to the industrial conditions of the country. The people are looking forward to the report of this commission with profound interest. We are astounded that the purposes for which this commission was created are being defeated by the suppression and garbling of the testimony adduced.

We cite the case of the garbling and suppression of the testimony of Hon. M. L. Lockwood, of which we submit the evidence herewith.

Therefore we, the members of Washington Local of the American Anti-Trust League, protest to the President, the Congress, and the people of the United States to see to it that this infamous wrong be righted and the testimony be published as given, without any alteration whatever.

I also have been informed by Mr. Schulteis that the lodge of the Knights of Labor of this city within a few days have passed a resolution asking that the Industrial Commission be reorganized so as to be a nonpartisan body, or else be abolished altogether. They say that as now organized it accomplishes no good purpose; that it is not in the interest of labor, and that as constituted it ought to be abolished. One of the members of the commission, Mr. Kennedy, has been denounced as the foe of organized labor by the president of the Western Miners' Union; and he gives his reasons, and says that this member of the Industrial Commission in taking testimony with regard to the Cœur d'Alene affair was prejudiced against the interests of the miners.

In view of Mr. Lockwood's statement and this other evidence that has come before us, it is quite evident that the Industrial Commission should either be abolished or reorganized, so as to exist in the way intended when Congress passed the act. I find no fault with the conduct of the Presiding Officer of this body in the selection of Senators to serve upon the commission. I think he did his duty. So did the Speaker of the House of Representatives. But the President of the United States did not do his duty or carry out the spirit or purpose of the act; but, on the contrary, as I am credibly informed, and as has been stated on this floor, he appointed nine men, every one of whom is a Republican. Therefore, I say the complaint of labor is well founded, and their objection that the commission should go on as now constituted is one that they have a proper right to urge.

Mr. President, I wish to print in the RECORD, for the purpose of showing to every Senator just what changes have been made in Mr. Lockwood's testimony—his testimony as submitted. I wish



it printed, so that the RECORD will show what was left out. A line has been drawn around the portions omitted, and I wish that to be indicated in the RECORD, so that when we continue this debate every Senator can see what justice there is in his criticism.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the paper which he holds in his hand may be printed in the RECORD. Is there objection?

Mr. ALLISON. How many pages are there?

Mr. PETTIGREW. Nearly eight pages. This is Mr. Lockwood's testimony before the Industrial Commission, showing the portions which were stricken out.

Mr. CHANDLER. Which he says were stricken out.

Mr. PETTIGREW. Which he says were stricken out. If it is incorrect, it can be ascertained to-morrow when it appears in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

[The Anti-Trust Bulletin, August 1, 1899.]

STANDARD OIL METHODS EXPOSED—COMPETITORS CRUSHED AND OIL PRODUCERS ROBBED BY RAILWAYS IN A CONSPIRACY WITH THE TRUST.

Hon. M. L. Lockwood, of Zelienople, Pa., president American Anti-Trust League, testimony before the Industrial Commission.

[The words printed in italics indicate the parts stricken out.]

MR. CHAIRMAN AND GENTLEMEN OF THE INDUSTRIAL COMMISSION: Robert Lockwood came from England with Winthrop in 1630. One hundred and forty-seven of his descendants, one of whom was my great-grandfather, participated on the side of the colonies in the war of the Revolution. I refer to this that there may be no question as to my Americanism.

It seems to me as though this reference is proper from the fact that it has become the custom of the monopolistic classes and all those who are fawning for favors at their hands to stigmatize as anarchistic and un-American any expression not in harmony with the present monopolistic condition of affairs. I am a native of the State of New York. I left the farm in Erie County of that State in 1865 and went to the oil regions of Pennsylvania, and have been engaged in the work of producing oil ever since.

Away back in the latter part of the sixties some of the refinery men in the oil regions who did not have the ear of the railway managers were unable to get a freight rate over the railroads that would enable them to sell their oil in New York and the export cities at a profit, and they were obliged to sell the refined oil to the men who afterwards helped to create the Standard Oil Company. For these men, even at that early date, seemed to have an advantage in freight rates that enabled them to market oil at a profit when no one else could market it at a profit.

The facts which I shall present to you I desire not to be construed as against men, for I believe that the Standard Oil people are no better or worse than any other set of men would be, armed as they have been with practically exclusive advantages over the railways of the country. But the facts which I shall present to you I desire to be construed against an accursed system of railway discriminations which has made this great curse, the Standard Oil trust monopoly, a possibility, against a system that has enabled the Standard Oil Company people to drive into obscurity, bankruptcy, or servitude the men whose energy and enterprise developed this great oil producing and refining industry of America, for before the blighting curse of railway discrimination was turned against the oil refinery men of the oil regions men prospered and grew rich in the refining business. They doubled the capacity of their refineries, adopted new and better processes, and were going forward in a business that promised much for themselves and their descendants.

But when the conspiracy between the Standard Oil Company people and the railways was consummated, all men not included within the favored few were condemned to financial obscurity or financial ruin. No business ability however great, no better process however superior, could triumph, when the highways over which you must go to market were closed against you and manipulated in the interest of your competitors.

As long as there were open and equal rates over the highways of the country, many growing and prosperous refineries were built at every favorable point. At Franklin, Reno, Oil City, Rouseville, Petroleum Center, Pioneer, Titusville, and Warren, at Pittsburgh, Cleveland, and Corry, the competitive contest in the business forced hundreds of the best minds to the study of better and more economic processes in refining, and the most rapid strides were made in perfecting and cheapening cost.

Many refinery men made many buyers of crude oil, and the producer selling his oil in the competitive market was enabled to obtain a fair share of the profit in the business, the consumer buying his oil from competitive sellers was enabled to receive the benefit of each and every economy in the process of producing and refining petroleum.

In 1872 the men who had been intrusted with the management of the highways, the railways of the country, understood so imperfectly their duty as common carriers to the public that they entered into a contract with the men who afterwards created the Standard Oil Company. This contract was known as the South Improvement Company contract, and was between a corporation of that name and five trunk railways, all of the railways that entered the oil regions of Pennsylvania.

And this contract provided that the railways should increase freight to about double what they had been charging on all oil shipped.

This contract further provided that the railways should pay back in rebate to the South Improvement Company an amount about equal to said increase of freight rates.

This contract further provided that the railways should pay to the South Improvement Company a like rebate on all of the oil that anybody and everybody else shipped.

This contract further provided that the railways should make any other change in freight rates necessary to insure the South Improvement Company's success in business.

This contract provided in substance that the railways should break up and destroy all refineries outside of the South Improvement Company by high rates of freight.

This contract further provided that the railway companies were to keep watch and report to the South Improvement Company all the business and shipments which any of these outside refineries should make.

[For a copy of this contract see the report of the Hepburn committee of New York, page 418 to page 451.]

Now, Mr. Chairman, I desire here to say, and I desire you to mark what I say, that everything that the railway companies publicly contracted to do for the South Improvement Company in 1872 that the railway companies have since secretly and persistently done for the benefit of the Standard Oil

people, as I will prove to you; prove, too, in the face of the facts that whenever any of the Standard Oil Company's people, or their agents, or the railway people who know the facts have been subpoenaed to testify that they have almost invariably refused to answer, shielding themselves behind that provision of law which provides that you shall not force a man to testify to that which will convict him of a crime.

Mr. Chairman, the men who developed the oil regions of Pennsylvania were of the best families of the Republic. The ancestors of many of them helped to win our independence as a nation, and when the provisions of the contract of the South Improvement Company became known it created such a furor in the oil regions as has seldom been seen. The peoplesaw the principles of equal rights destroyed, the highways over which their products must go to market in the hands of a set of brigands who had pledged themselves to rob the people of an average of more than \$1 a barrel on all the oil they produced, and give it to the thirteen men who constituted the South Improvement Company.

The public press of the oil regions at that time had not yet been subsidized, and it gave the alarm. Men came together and consulted; meetings were called. The more that was learned of the provisions of the South Improvement Company contract the more awful the crime which was attempted against the rights of the people developed to be. Mass meetings at Franklin, Oil City, Titusville, and Parkers were attended by thousands. Men determined that if the railways were to be used to destroy the great American right of equality that they would have no railways; that they would tear up their tracks and burn their bridges.

The railway companies became alarmed. A committee of the producers and refiners went before the legislature then in session at Harrisburg, and secured the repeal of the charter of the South Improvement Company. The railway officials made fair promises to give everybody equal rates, and the producers and refiners thinking that they had won a victory, and that their rights would be respected, went about their business. (See producers and refiners contract, page 449, Hepburn committee report.)

But it soon became apparent that the railway companies were not keeping faith. That in fact they were doing for the Standard Oil Company people secretly just what they had publicly contracted to do for the South Improvement Company. The independent oil refinerymen were fast being driven to the wall, while there was evidence of the greatest prosperity among the Standard Oil people's refineries. Very few of the facts of this period have leaked out, as when the Standard Oil Company people, or the railroad people, who knew the inside facts, were subpoenaed to testify, they almost invariably, under the advice of their counsel that their evidence might incriminate them, refused to answer.

But by the evidence in the case of the Standard Oil Company against W. C. Schofield, at Cleveland, Ohio, we learned that the profits of refining, including railroad rebates for four of these years, was an average of more than \$2 a barrel, a profit in refining, if economically managed and honestly capitalized, of more than 400 per cent annually. While at the same time the refinery men who did not have the favor of the railroad companies were being driven into bankruptcy and ruin and the producers much of the time forced to take a price for their oil below the cost of production, while the consumers were paying two prices for the oil that they burned in their lamps.

In the early part of the seventies I have a record of 26 pipe lines built to transfer oil from the wells to the railways. These pipe lines were mostly built by producers in their struggle for deliverance from monopolistic control.

The Standard Oil Company people, having secured control of the United Pipe Line and American Transfer Company, began a campaign to bankrupt and destroy and absorb these pipe lines built by the producers. The Standard Oil people, having a large rebate on all the oil they shipped and on all the oil that anybody else shipped from any of these different pipe lines, could go into the field and pay a little more at the wells, and could sell oil at a little less at the seaboard than any other shipper and still only use a small fraction of the large rebates which they were receiving from the railway companies, growing rich themselves, while they were bankrupting and absorbing these pipe lines built from the meager means which the producers were able to wring from the grasping greed of this great monopoly.

Finally the producers and refiners came to understand that the highways of the country—the railways—were in the hands of a set of highwaymen, who, every time they went to market, would rob them of all of their profit and a part of their principal and hand it over to the Standard Oil Company people, helping to fasten that monopoly upon us. Mr. Chairman, if you must be robbed, it does not make any difference to you whether Dick Turpin does it through the instrumentality of a pistol or whether John D. Rockefeller does it through the instrumentality of a railroad.

There could be but one end to that kind of business—bankruptcy and financial ruin of these independent pipe lines.

(For the sworn evidence to prove all of the above statements I desire to present the commission extracts from the evidence before the Interstate Commerce Commission, before the courts, and before both State and national investigating committees.)

Mr. Chairman, I have stated that interested parties refused to testify, but there is always some way for the truth to come out. There arose a little unpleasantness between the Pennsylvania Railroad and the Reading Railroad, and we were enabled by subpoenaing the assistant comptroller of the Reading Railroad, in the case of the Commonwealth of Pennsylvania against the Pennsylvania Railroad and the Standard Oil Company, to bring into court the settlement sheets showing their settlements for the transportation of oil. Some of these sheets showed that there had been rebates paid to the Standard Oil Company to the amount of \$1.10 per barrel.

Mr. A. J. Cassett, third vice-president of the Pennsylvania Railroad, was subpoenaed to explain these settlement sheets and the rate on oil. In reference to the rate on oil per barrel, Mr. Cassett was asked the rate per barrel.

Answer. \$1.90.

Q. What was the actual rate?

A. If shipped by the Standard Oil Company, 80 cents a barrel.

The further investigation showed that 35 cents per barrel was the actual amount divided among the different roads making up the route. Thirty-five cents a barrel, when an outside refiner would have to pay \$1.90 a barrel. (See page 688, Commonwealth of Pennsylvania vs. Pennsylvania Railroad et al.)

Q. (Page 691, same case.) I understand you, Mr. Cassett, that the 22 cents paid to the American Transfer Company is not restricted to the oil that passed through their lines?

A. No, sir; it is paid on all oil received and transported by us, as I before stated.

Q. (Page 702, same case.) Now you will find a drawback paid of \$34,000, \$41,000 less the \$7,000, the Buffalo, New York and Philadelphia proportion. Could you tell who that drawback was paid to?

A. Forty-nine cents (per barrel) went to the American Transfer Company and the Standard Oil Company, under the arrangement which I have already explained.

Testimony of J. D. Archibald (page 510, same case) showed rebate paid to the Standard Oil Company of 64 cents a barrel.

Testimony of W. L. Fox and Warren Grey and others show that the railways refused to allow the independent shippers cars, and that they were



unable to remove their oil. (Testimony of Fox, same case, pages 65-79; testimony of Grey, pages 35-45.)

Extracts from the letter of Daniel O'Day to Cassett, third vice-president of the Pennsylvania Railroad, speaking of the commission or rebate:

"I here repeat, which I have once stated to you and which I ask you to receive and treat as strictly confidential, that we have for many months received from the New York Central and Erie Railroad certain sums of money, in no instance less than 20 cents per barrel on every barrel of crude oil carried by each of these roads. I am constrained to say to you that in justice to the interests I represent we should receive from your company at least 20 cents a barrel on each barrel of crude oil you transport.

"In submitting this proposition I feel that I should ask you to let this date from the 1st of November, 1877, but I am willing to accept as a compromise (which is to be regarded as strictly a private one between your company and ours) the payment by you of 20 cents a barrel on all the crude oil shipped, commencing February 1, 1878.

"I make this proposition with the full expectation that it will be acceptable to your company, but with the understanding on my part that in doing so I am not asking as much of the Pennsylvania road and its connections as I have been and am receiving from the other trunk lines."

Extract from a letter of A. J. Cassett, third vice-president of the Pennsylvania Railroad, to R. W. Downing, comptroller of the Pennsylvania Railroad:

"I agree to allow this commission from and after February 1 until further notice, after having seen receipted bills showing that the New York Central Railroad allowed them a commission of 35 cents a barrel, and that the Erie Railroad allowed them a commission of 20 cents a barrel on Bradford oil and 30 cents a barrel on all other oil, and that they had been doing so continuously since the 17th of October last.

"Of this, however, you saw the evidence yourself in the bills which I submitted to you last week. Please, therefore, prepare vouchers in favor of the American Transfer Company, per Daniel O'Day, for this commission of 20 cents on shipments during February, March, and April, and hereafter make settlements monthly."

Extract from letter of A. J. Cassett, third vice-president of the Pennsylvania Railroad, to Daniel O'Day, general manager of the American Transfer Company:

"Your favor of February 15 has been received, and direction has been given to allow you from and after February 1, 1878, the commission therein asked for until further notice.

The statement of the Pennsylvania Railroad shows that the 20 cents a barrel agreed to amount during the months of February and March to \$88,753.50, which was paid over to the American Transfer Company, Daniel O'Day, general manager, by the Pennsylvania Railroad, for the benefit of the Standard Oil Company's people.

Mr. Chairman, I have a vivid remembrance of that time. I was interested in a pipe line that was competing with the American Transfer Company for the oil produced in Clarion County. I do not believe that at that time the American Transfer Company had over \$60,000 invested in all their pipe-line system, and yet in two months they received in rebate from the Pennsylvania Railroad Company alone \$88,753.50. I remember what a hard time we had in keeping alive financially the old Atlantic Pipe Line Company. The American Transfer Company was paying a little more for oil at the well than we could get for it after we had piped it and loaded it onto the cars. I can imagine now how financially easy the old Atlantic Pipe Line would have been if the Pennsylvania Railroad Company had poured into their coffers thirty or forty thousand dollars a month.

Remember, this \$88,753.50 was from the Pennsylvania Railroad alone. What the Erie and the New York Central was paying them I do not know; there is no record; but men who have studied the evidence in the Hepburn committee's report claim that the evidence shows that the five trunk railways paid to the Standard Oil Company people \$11,000,000 in rebates in sixteen short months. Reverse these conditions and the Atlantic Pipe Line Company would have driven the American Transfer Company into bankruptcy, just as the Atlantic Pipe Line Company was driven. Railway discriminations mean ruin to any enterprise that is discriminated against, and it means monopoly for any enterprise discriminated for.

Upon this question of the destruction of the independent pipe lines the testimony before the Hepburn committee of Mr. W. T. Shidey, in answer to the question of whether the Hunter & Cummings Pipe Line was shut out of the market, he said: "Yes, sir; they were shut out of the market practically." (Hepburn committee report, page 2794.) The history of the Hunter & Cummings Pipe Line was the history of all the independent pipe lines in the oil regions. By railway discrimination they were practically shut out of the market. Speaking of the effect the Rutter circular had upon all the pipe lines not in the United (Standard) pool, Mr. E. G. Patterson said (page 1693, Hepburn committee's report), in answer to inquiry of "to whose benefit did the 20 cents rebate provided for in the Rutter circular inure?"

Answer: "Entirely to the United (Standard) Pipe Line. The result of it was that the United Pipe Lines absorbed 80 per cent of the 20 lines that were then in existence in the country." To which I desire to add—ultimately absorbed them all. The testimony before the Interstate Commerce Commission, in the Titusville and Oil City independent cases, goes to prove that the railways had turned their terminal facilities for the transfer of oil from the cars to the steamers over to the Standard Oil Company, so that the independent oil refiners could not use their tank cars in transferring oil to the seaboard, and had to ship their export oil all in barrels. (See page 30, Titusville and Oil City independent cases.)

Then came the discrimination against barrel shippers and in favor of tank shippers and in the interest of and for the benefit of the Standard Oil Company, and when the Interstate Commerce Commission ordered the railway companies to stop this discrimination they ignored the order. (See Interstate Commerce Commission's Report, 1888, concerning tank and barrel rates on oil.) The evidence goes to prove that the railway companies adopted a system of false billing in the interest of the Standard Oil Company and against the independent refinery men. The evidence further goes to prove that after the independent oil refiners had spent many years in building up a trade for their oil in the New England States the railway companies, in the interest of the Standard Oil Company, put up the railroad rates to New England to the independent refiners and shut them entirely out of that market. The work of years was destroyed in an hour by an act of the railway conspirators. (See evidence before Interstate Commerce Commission, Titusville and Oil City independent cases, pages 283 and 284.)

Mr. Chairman, all of the evidence goes to prove without a shadow of a doubt that the railway companies all through these years were doing for the Standard Oil Company secretly just what they had publicly contracted to do for the benefit of the South Improvement Company in 1878.

And this evidence before the Interstate Commerce Commission in the Titusville and Oil City independent cases goes to prove that the system of favoritism and railway discrimination has continued in favor of the Standard Oil Company even after the interstate-commerce law was upon the statute books.

Now, what is the remedy? There is practically no remedy in the courts. They are too slow and expensive. These great railway combinations, in

cooperation with the trust organizations, can "razoo" a man up and down through the courts, from one to another, for ten long years, until he is financially exhausted and his business ruined. Why, gentlemen, the Cox case, with all the power and influence of the Interstate Commerce Commission behind it, has been before the courts for eleven long years, and is yet unfinished.

Mr. Chairman, in the face of all the wrongs which I have enumerated to you, the Oil Producers' Council, a body elected from the different producing districts, began criminal action in 1879 against the Standard Oil Company people and the Pennsylvania Railroad people for conspiracy against the public. This action was brought in the courts of Clarion County, Pa. Col. J. A. Verra and myself were the names in which the case was brought. The case was prepared at enormous labor and expense. The evidence was at hand to prove the facts, some of the conspirators were before the court and the jury with almost a certainty that with the evidence at hand they would be convicted and sent to the penitentiary to pay the penalty of their crime, and then three members of the supreme court of Pennsylvania, in violation of the constitution, took original jurisdiction in these criminal cases and took the indicted conspirators away from the courts of Clarion County and hung the case up.

The late Franklin B. Gowen, a man of great integrity and ability, who was a member of the constitutional convention of Pennsylvania in 1873, said before a committee of Congress that "if that constitutional convention did anything effectually it was when it took original jurisdiction in criminal cases away from the supreme court of the State." And yet when the men who had entered into a conspiracy to monopolize the great oil producing and refining industries of that State had been indicted and were before a jury of their peers, we find members of the supreme court ready to stretch, aye, violate, the constitution in order to protect them from just punishment. The producers and refiners, exhausted and impoverished, fighting for their right to do business in this free country, found not only the railway companies, in league with the Standard Oil Company, against them, but members of the supreme court ready to do the bidding of the Pennsylvania Railroad and the Standard Oil Company and protect indicted conspirators from just punishment for their crimes.

Read the record of the Matthews case against the Standard Oil people for conspiracy to blow up his refinery and ruin his business. This case was before Judge Haight, of Buffalo, N. Y. Read the evidence of Matthews, read the evidence of his partner, whom they had bribed and debauched to betray his associates. Read the evidence of this man, whom they had spirited about from the Atlantic to the Pacific, keeping him under cover, under an assumed name, at Boston and elsewhere, keeping him under cover for four long years, that his evidence might not be had by the courts; keeping him until the load of crime in his heart became too great for him to bear and conscience forced him to go back to Buffalo and confess to Matthews.

Read the rulings of the judge in this case excluding important evidence, and, finally, when two of those that were indicted were convicted sentence was delayed for seven long months, and finally \$250 fine was the sentence; \$250—a hundredth part of the money which Matthews had expended in bringing these criminals to judgment. Two hundred and fifty dollars, an atom in the great ocean of wealth that was behind these conspirators; and Matthews struggling with poverty, yet determined that justice should be done, had spent the few remaining thousands he had left in these litigations—and Matthews and his little refinery was forced into the hands of a receiver, and he was financially ruined, and the men who had conspired to ruin him fined \$250.

Read it all, Mr. Chairman, for I say to you that no honest man can read the record of his case without feeling that there was a judicial crime committed against the State. And that's not all. Matthews had verdicts for \$270,000 against the Standard Oil Company people in his civil damage cases, and the creditors of Matthews under this receivership were forced by the judge, against their protest, to settle these \$270,000 verdicts for \$17,300. And this is not all.

These great monopolies have a system of reward, and the political bosses, who are but the creatures and servants and instruments of these great monopolistic combines, these bosses secured for this judge the nomination to the court of appeals of the State of New York, and then, through the help of the party machinery and a liberal supply of corruption funds, succeeded in electing him, and there he is, way up there on the court of appeals, to dispense this kind of justice to the American people.

No, sir; the remedy is not in the courts; they broke up Matthews and they will break up any man who honestly attempts to bring them to judgment. Mr. Chairman, the thought is fast becoming fixed in the minds of the common people that these great railway combines, extending as they do from the Atlantic to the Pacific and from Canada to the Gulf, that these great combinations of corporate capital are gradually packing the Supreme Court with men that will do their bidding, or, rather, with men who are in sympathy with the present monopolistic condition of things.

Mr. Chairman, in 1878 the producers of petroleum had all that Anglo-Saxon confidence in the justice of the courts and in the power and the omnipotence of the law. If we could get a law enacted by Congress prohibiting railway discriminations, then we would have no more railway discriminations and no more trouble. We paid \$1,000 to a retired railroad attorney of great ability to draft an anti-discrimination bill. The conditions were that it should be a bill that, when enacted into a law, that the railway companies could not drive a train of cars through. Judge Reagan, of Texas, took charge of that bill, and we spent eight long years circulating petitions, getting men to petition Congress to pass that bill.

You all know what a magnificent fight Reagan and the friends of that measure made in Congress for its passage. We all thought that that bill was almost ruined by the column amendments in the Senate; but, however, after many weary years of waiting and working, the measure was passed, and we had the interstate-commerce law; but do you know that these great railway combines and monopolistic combinations don't seem to care any more for that law than though it was not upon the statute books? By every subterfuge they evade and violate it. If this great monopolistic power can control the appointment of supreme court judges and attorney-generals, they don't care what the law is.

They are becoming bigger than the law, aye, bigger than the Government itself. They dare to threaten the Interstate Commerce Commission and ignore its orders, and this commission of this great Government seems powerless to perform the duties provided for it in the law that created it. (For the evidence to prove these statements see proceedings before the Interstate Commerce Commission in Titusville and Oil City independent cases, pages 256 and 267. See complaint of the Interstate Commerce Commission to United States circuit court in Cox case. Also see answer to said complaint by Lehigh Valley Railroad Company. See contention of railroad companies in Rice case, page 2 of brief.)

Mr. Chairman, four or five years ago the Atchison, Topeka and Santa Fe Railroad went into the hands of a receiver, and about the first thing that that receiver found out was that the officials of that road in a short time prior, two or three years, had paid out to monopolies, trusts, favored shippers, over \$7,000,000 in rebate; and while this was a state prison offense, there seemed no disposition on the part of the Attorney-General to bring these great criminals to judgment. These great railway and monopolistic combines seem to overshadow the Government and dictate and control the action of its officials.



Behind the power of railway discrimination the Big Four beef combine, the sugar trust, the steel combine, the Standard Oil Company, and the rest of these trust combinations feel so secure in their power to throttle competition and plunder the producers and consumers of America that the stock of these companies, some of them from 50 to 90 per cent water, are selling from two to four hundred cents on the dollar.

Mr. Chairman, the greatest battle in the record of time has been fought by Mr. George Rice, of Marietta, Ohio, for the right to do business in this free land, for the right to do the business of his choice. What is the record in that case? In the latter part of the seventies the railway managers, to cripple Rice in the interests of the Standard Oil Company people, raised and doubled the rate on oil out of Marietta, where Rice's refineries were. The raise was only on oil, and only out of Marietta. (For the evidence to prove this statement see report of the committee of the Ohio legislature on railroad freights, pages 5, 41, 42, 124, 141, 162, 166, and 170.)

What further? The railroads over which Rice had been shipping to the Southern markets raised his rates all the way from 20 to 212 per cent above the rates that were paid by the Standard Oil Company combination, and finally they refused to give Rice any rates at all. (For evidence to prove this statement see testimony in the Rice case before the Interstate Commerce Commission, Nos. 51-60, pages 147, 148, and 149. Also, see Rice's complaint, page 6.)

What further? The railroad paid rebates to the Standard Oil people on the oil that Rice shipped. (See report of the Committee of Congress on Trusts, 1880, pages 575, 576, 577, 578, also page 583.)

What further? The railway companies discriminated against Rice in favor of the Standard Oil Company people to an amount equal to \$199 per car on cars carrying 100 barrels. (See exhibit, page 582, report Fiftieth Congress on Combinations and Trusts.)

Mr. Chairman, I hope I am not asking too much when I ask members of this commission, when you have time, to read these 43 pages giving a history of Mr. Rice's efforts to do business over these American railways. Every fact herein stated is substantiated by sworn evidence before the courts, before the Interstate Commerce Commission, before the investigating committee, both State and national, and when you have read this record of crime, when you have seen how the equal rights of the American citizen have been destroyed, *it will make every drop of American blood in your veins boil with indignation*, and I would suggest, and I think it is proper, that when John D. Rockefeller appears before you that you ask him if the railway companies had treated him as they treated George Rice whether he thinks he could have succeeded in business.

It does not seem possible that in this Government, whose corner stone is based upon the doctrine of the equal rights of man, such wrongs could be perpetrated. Yet this great Government, through its commissions and its courts, seems powerless to stop the wrongs which I have enumerated.

What is the remedy? *The control of the public highways is the most important duty of the Government. Mr. Chairman, give me the control of the highway over which the products of your labor must go to market and let me fix the charges, and I can make you my slave.*

The \$11,000,000,000 of capital combined in the railways of the Republic, organized, as they are, under joint tariff and passenger association, in which they have throttled the law of competition and have constituted one gigantic railway trust controlling the highways of the people, dictating who shall and who shall not do the business of the country, condemning this man to poverty and that man to riches—these eleven billions of capital holding this power, combined with the Standard Oil Company, the sugar trust, the steel combine, the Big Four beef combine, the tin-plate trust, together with all the billions organized in other trust combinations, have constituted themselves the political dictator of the country. They furnish the millions for corrupt political campaign purposes. They assume to own the votes of all the men in their employ, and he who becomes politically obnoxious to them is black-listed and turned out to starve or hunt a new occupation. Shrewd politicians, backed by this combined capital and this power, have constituted themselves political bosses. These bosses are but the servants and instruments of this corporate power. These bosses dictate the nomination of legislators, Congressmen, Senators, and judges satisfactory to their masters. In this way they are shaping legislation and escaping punishment for their crimes.

Mr. Chairman, it takes a strong man, well anchored in the confidence and affections of the people, to triumph politically over the manipulation of this combined capital and this power, and just in proportion as these trust combinations are enabled to absorb the wealth produced by the people and impoverish them, just in that proportion will the people become subservient and cowering, for, Mr. Chairman, the fear of hunger for wife and babies makes cowards of us all. Can the Republic survive with these railways in the hands of corporations who are using them to fasten monopolies upon us?

Mr. Chairman, these corporations, in justification of their management of the highways of the people, set forth that they are moving the freight of this country cheaper than the freights of any country in the world are moved. True; but out of their own mouths they convict themselves of a great crime. I hold in my hand a receipted freight bill for the shipment of a carload of oil-well supplies from Harmony, Pa., to Unity, Pa., a distance of 49 miles. The cost was \$46.60 for this carload of 16 tons, or \$2.91 a ton for the 49 miles, or \$0.0593 per ton per mile. I have a freight bill showing that I have paid \$0.0432 per ton per mile in carload lots.

Now, Mr. Chairman, a large per cent of the freights of the country are moved in less than carload lots. Here I have the receipted freight bills on 1 and 2 ton lots. Here I find that I paid 13.57 cents per ton mile. This freight was of the fifth or sixth class, and I suppose that the people pay similar charges upon similar shipments. Now, Mr. Chairman, these statistics show that all of the freight of the country, including everything, is moved at the average rate of eighty-five one-hundredths of 1 cent per ton mile. These facts convict the railway managers of a great wrong, for these freight bills show that the people are being robbed for the benefit of the stockholders of these railways, while these statistics show that the stockholders of the railways are being robbed for the benefit of the trusts, monopolies, and favored shippers.

\*Here is a problem. If the people are obliged to pay, as shown by these freight bills, from 4.32 to 13.57 cents per ton-mile for the movement of their freight, and all of the freights of the country are moved at an average of eighty-five hundredths of 1 cent per ton-mile, then how much less than eighty-five hundredths of 1 cent per ton-mile does the trusts, monopolies, and favored shippers pay in order to bring the average of all the freight of the country down to eighty-five hundredths of 1 cent per ton-mile? The answer to this question would answer the oft-repeated question of why so many of our railways are in the hands of receivers. The proper answer to this question would answer why it is that so many of our railway managers are becoming multimillionaires while their roads are becoming bankrupt. The record of the last twenty years has demonstrated that as long as these railways are in the hands of these corporations that they will use them for the benefit of their friends and inside combinations, use them to destroy the equality of our citizens—that equality which is the foundation stone upon which the Republic rests.

What is the remedy? Take these railways, these highways of the people, away from these corporations, make them public property, let the Government

own and run them, make them what they should be, public highways for the people, over which every man can go to market just as cheap as any other man. Do this, and these great trust monopolies that now oppress us will lose their power for evil, as they meet the honest competition which will arise upon every hand. Make these highways highways indeed, declare to every man that no Standard Oil Company, that no sugar trust, no meat combine, no coal combine, shall have any advantage that is not open to the poorest man in the land. Reestablish the equality of our people over the highways of the Republic. When you have done this, the people will do the rest.

I know the independent oil producers and refiners of America, and I feel safe in saying that if you will reestablish the equality of our people over the highways of the country, that in less than fifteen years they will drive the Standard Oil Company into a secondary position in the oil trade of the country. These great trust combinations do not know the first principle of economic management. By virtue of the great flow of wealth which had come to them from railway rebates and monopolistic position, they have not been obliged to study the principles of economy a moment in their lives. By this monopoly process they have taken more money from the people than they know what to do with.

Reestablish the equality of our people over the railways of our country, and there will be no more coal miners' strikes, soldiers and deputies will not be called upon to shoot down American citizens like dogs in order to drive them back into subservience to the will of the coal barons, for then the coal miner can go to market with his car of coal just as cheap as the biggest coal combine in the land. Men do not strike only as a last resort.

Reestablish the equality of our people, and then the coal miners, when they become dissatisfied for any reason, instead of striking for their rights, can get together, form a little coal company of their own, go over and lease McCooms's or McLoughlin's farm, and open up a coal mine of their own, and ship their coal—the products of their own labor—upon even terms with the biggest coal combines of the land.

Mr. Chairman, how could these great, extravagantly managed, and over-capitalized coal combinations stand that kind of competition? They could not stand it at all. It would be mighty hard on these big coal combinations, but it would be justice and a wise national policy. With absolute equality over the railways of the country so that every butcher could ship a car of cattle just as cheap as the Big Four beef combine, the Big Four beef combine could not hold a monopoly of the meat business of America for twenty-four hours. Today, under Government management, the letter of an oil producer, a miner, or a butcher goes to its destination with the same speed, at the same cost, and with the same precision as the letter of an Armour or a Rockefeller.

Send their oil, their coal, their meat to market upon these same terms of equality, and these great trust combinations will soon be getting rid of their \$25,000 a year lawyers and their \$25,000 a year managers, upon the proposition that their business will not stand such high-priced men. And these managers will soon be engaged in building up a business, a property, a proprietorship of their own, and these lawyers will soon be engaged in a better business than that of advising their principals just how far they can go without getting behind the bars.

How can these railways be taken away from these corporations? It is easy; the public welfare demands it, under the eminent domain of the State. The power exists to condemn these railway properties for the public welfare just as under the eminent domain of the State private lands were condemned on which to build these railways for the public welfare.

Pay these corporations for them just what they are truly worth, and in this transaction let us be careful that no injustice is done either to the people or to the stockholders of these railways. But some one says, How could the Government pay the interest upon the enormous public debt which this purchase would create? Mr. Chairman, the people, who are the Government, are paying it to-day. These corporations are taxing the people by exorbitant freight rates to pay the interest on all the bonded debt of these roads, dividends are much wanted stock, and in addition, hundreds of millions annually for the benefit of these trusts, monopolies, and favored shippers.

Mr. Chairman, under Government ownership the people are only changing the managers of their highways, for these railways are the people's highways, and one of the greatest jurists that this land ever produced has said "that a public highway can not be private property." And the people have the right to control their highways and maintain them on the principles of equality. One of the great advantages of national ownership is that the bonded debt necessary to acquire these roads could be placed by the Government at from 1 1/2 to 3 per cent less interest annually than the bonded debt of these roads are now placed under corporate management, and this great reduction of interest would be an important factor in cheapening the cost of transportation upon the products of the people. But a greater advantage, a more overshadowing advantage of Government ownership is that when we would be able to shake off the grip of these monopolists from the throats of the people.

But some good men fear the power of patronage which the national ownership of railways would give the party in power. I do not fear it. That can be controlled by civil-service laws. But even if the national ownership of railways would be a source of strength to the party in power, they would be obliged to be responsible to the people for a just, honest, and fair administration and management of the great public properties in the interest of the people, while under corporate management all of the power and influence of these aggregations of capital, and of all the men that they control, is thrown into the balance in favor of this party or that party, whichever will secretly agree to serve them best.

They hold the balance of power in many of the States, and they can elect the candidates of that party whose bosses will agree to be most subservient to their will, and that party which obtains control by virtue of this influence is not held responsible to the people for the maladministration of these great public highways, as they would be under Government ownership. It is because these \$11,000,000,000 of railway capital, together with all the men which it controls, are in politics clear up to their armpits, and it is because this capital and these men are in politics for corrupt and selfish purposes, irrespective of the public welfare. It is because these \$11,000,000,000, together with all the capital of the trusts, are corrupting our public affairs and debauching our public men that constitutes the important reasons why these railways must be taken away from the corporations. The record of the last twenty-five years has demonstrated that the Government must own and control the railways or the railways will control and run the Government.

Mr. Chairman, in the oil regions of Pennsylvania has lived a set of men who have never bowed the knee to Baal. They have continually battled for their rights over the railways of the country. It has been a long battle. Many of them who buckled on the armor in 1872 have been claimed by the hand of death; a few of them have gone down under the blandishments and money of the Standard Oil Company; many of them have been bankrupted and reduced to servitude and have been obliged to go to work for the great monopoly in order to obtain bread for their families; some of them, with a deep sense of the great wrong that has blighted all their hopes and darkened all their future lives, with a deep sense of the great wrong that has driven them off from the highways of the country and chained them to the rock helpless



while this great monopoly has robbed them, have been driven to the grave of a suicide and to the insane asylums; but there are enough left to keep the faith and battle on for commercial liberty and equality.

They have never faltered, but have battled as best they could with the means at their command. They first built the 26 pipe lines to which I have referred; they then found that it was railway discrimination. They then went to the courts; and when the courts failed them, they went to Congress for the interstate-commerce law. When the interstate-commerce law failed them, they attempted to hew for themselves a way by building a pipe line to the ocean where commerce is free, thinking, hoping, praying that somewhere beyond our borders they might find a government where the equal rights of man are maintained upon the highways of the country. Mr. Chairman, we have found it. In the great German Empire, where the Government owns and controls the railways, the poorest man in Germany can ship a barrel of oil from one end of Germany to the other end of Germany just as cheap as the Standard Oil Company can. In Germany the independent producers and refiners of America are not only able to successfully compete with the Standard Oil Company, but in addition they are enabled to earn flattering profits upon their entire capital.

Give us national ownership of the American railways, which will insure us equal rates, and we will soon give the people of America their oil at competitive prices. Then the people of America will not be obliged to pay 40 per cent dividends on Standard trust stock, at least 50 per cent water, because capital will be glad to serve them at 6 per cent profit upon the actual amount of capital invested. I take no stock in the idea that inordinate, great capital can produce cheaply. Where monopoly begins, there improvement ends; it is competition that forces men to economic improvement and invention; it is monopoly that demands great profits. While competition was putting oil into tank steamers for the competitive markets of Germany at 2 cents a gallon, monopoly, backed by railway favoritism, was forcing the people of Texas and Arkansas to pay 25 cents a gallon for the oil that they burned in their lamps.

The paid attorneys of the Standard Oil Company, by a liberal use of the public press and a system of comparisons, have imposed upon the American people the thought that the Standard Oil Company has furnished them their oil cheaply. If the people have been served cheaply by this monopoly, what means the \$500,000,000 which this great monopoly has garnered? It is not the purpose of trusts to serve the people cheaply. It is the purpose of trusts to create monopoly and force producers and consumers of America to pay dividends on billions of watered capital. Before the sugar trust had fully fastened its fangs upon us I bought good granulated sugar at \$3.00 a hundred. To-day the sugar trust is forcing the American people to pay from \$5.50 to \$6 a hundred upon the same grade of sugar, a difference, I am told, of more than \$200,000,000 annually. Think of it, Mr. Chairman. Two hundred millions annually, produced by the American people, are by this process transferred from the pockets of the people to the coffers of the sugar trust, and Mr. Havemeyer says, "What are you going to do about it?"

How can this be prevented? First, by assuming control of the railways and guaranteeing to every man equal rates on the transportation of his products to the market, and then in addition by enacting a law forcing these great trusts and monopolistic combines when they fix a price for their goods then that price, freight considered, must be the price in every township and hamlet of the land. When prices are changed in any place, they must be changed everywhere. Make a violation of this law a State prison offense for the officers of these corporations. These corporations are the creature of the State; the State has created the great centers of commercial and creative energy, and the State has the right to control them, that they may not become dangerous and destructive of the public welfare.

This law will prevent these great trust combinations from putting up the price to the people of one section of the country where there is no competition and force the people there to pay the expense of destroying competition in another section of the country; prevent the corporations from forcing the people to pay for a war of annihilation against any growing competition. This law will protect and encourage competition upon every hand and cure the evils which are now upon us. Say to all the people: Mine, manufacture, produce, and the products of your labor shall find a market upon terms equal to all, and you shall be protected in a fair competitive combat. Do this, and these great overcapitalized, unwieldy trust combinations will wither and go down as they meet the energetic, intelligent, active, competitive capacity of the American people.

Mr. KYLE. Mr. President, just one word. I wish to say in regard to Mr. Lockwood's testimony, which has been adverted to frequently by Senators during the discussion and which was referred to by the Senator from Florida [Mr. MALLORY] only a few moments ago, that the whole matter was taken up by the commission, nineteen members, and discussed. The commission were unanimous that those personal attacks should be expunged from the testimony. By a subsequent examination of the whole transaction the Senator from Florida became convinced that it should be stricken out.

In reference to the two men who have made the criticisms, Mr. Martin and Mr. Schulteis, I will state that they were very strong and urgent applicants for positions upon the commission. Had they succeeded very likely the commission would have been properly constituted; but since other parties were chosen it is all wrong.

Mr. CHANDLER. I beg to say to the Senator from South Dakota that that does not dispose of the exact issue that is now fairly before the Senate, and that is, whether testimony actually given by witnesses has been changed by the commission. We are not discussing questions of grammar, questions of punctuation, petty changes that reporters make for witnesses or speakers, unless the witnesses or speakers make them themselves when they revise the transcription of the notes. We are discussing the question whether substantial changes have been made in the testimony actually given by witnesses before the commission.

Mr. KYLE. If the Senator will allow me, I think I stated while the Senator was out of the Chamber that no witness's testimony had been modified or changed in any material point. Where a witness made a personal attack on individuals, as Mr. Lockwood did, it was thought not wise for the commission to incorporate that in the printed report.

Mr. CHANDLER. I have not been out of the Chamber. I

have heard what the Senator said; and with his permission I will go on with my remarks.

Mr. KYLE. I beg the Senator's pardon. I thought probably he had not heard what I said.

Mr. CHANDLER. I have heard it twice now.

Mr. KYLE. The commission has never stricken from the testimony anything, even of this character, without the unanimous consent practically of all the commissioners.

Mr. CHANDLER. I desire to say that the power which the Senator admits that the commission exercises is a very dangerous power. I am speaking now of substantial changes in the testimony of a witness, whether by altering expressions or by omitting substantial statements made by a witness. I want to say that which I would have said before this time if the Senator had not interrupted me to repeat the statement he has made. There should be no such change made by the commission unless they make a memorandum and incorporate it in their record, showing exactly what they have stricken out of the testimony of the witness and the reason why they have stricken it out.

There have been sufficient statements made here to-day on the floor to lead me to say that I think the Senator from South Dakota ought to make a more careful statement to the Senate, not negatively denying that anything has been stricken out except a few personal matters which the commission thought ought to go out, but a statement affirmatively showing what has been stricken out; how many witnesses have had sentences, paragraphs, pages eliminated by order of the commission. I do not think the oral statement made by the Senator from South Dakota sufficiently covers the ground. A suspicion has been aroused in connection with these statements. I do not assume that because Mr. Lockwood wanted to be a member of this body, if he ever did, and was not appointed, or Mr. Schulteis—

Mr. PETTIGREW. Mr. Lockwood never wanted to be. There is no such charge.

Mr. GALLINGER. Mr. Schulteis and Mr. Martin.

Mr. CHANDLER. I do not assume that because Mr. Lockwood is dissatisfied with what the commission has been doing therefore he makes a false charge. I do not believe that Mr. Schulteis or Mr. Martin, because they were disappointed in not being made members of the commission, if they were so disappointed, have been making false charges against the commission. I think they are honest, as I think the commission have intended to do exactly right. But I do say that after all the statements which have been made in this Chamber to-day the chairman of the commission ought to prepare and submit to the Senate a memorandum telling us what has been done in the way of eliminating testimony, and let us know how far the commission is undertaking to eliminate testimony actually given before the commission.

Mr. KYLE. Will the Senator from New Hampshire allow me? I think I can take it upon myself to do that. We have the original notes of all the testimony taken and all the manuscript presented to the commission, and I think I can give him exactly the information he desires.

Mr. CHANDLER. Mr. Schulteis and Mr. Martin may be disappointed men, but I believe they are honest, and the statements that have been made in this Chamber and have gone out to the world to-day will create an unpleasant impression, which I believe the chairman of the commission can wholly dissipate if to-morrow he will make and submit to the Senate such a statement as I have indicated. I do not desire that the bill shall be delayed for the purpose of having the explanation. What the Senator may submit to the Senate will not change the legislation, and I hope we will dispose of this paragraph and go on with the bill.

But I further hope the Senator from South Dakota will make a memorandum on this subject that can be submitted to the Senate and that we can send out to the public, to wholly dissipate the impression that will be created by this day's debate if he does not deal a little more satisfactorily with the subject than he has by the general statement that nothing is eliminated except by the decision of the commission.

Mr. CAFFERY. Mr. President, this whole discussion convinces me that the commission ought to be abolished. The very act creating the commission creates a partisan commission:

That a commission is hereby created to be called the "Industrial Commission," to be composed as follows: Five members of the Senate—

If the Senators are not partisan, I should like to know what they are—

5 members of the House of Representatives—

Ten out of the 19 are partisans of one or the other party, or both. These charges of suppressing or altering testimony, cutting out testimony, must spring from witnesses of intense partisan zeal, advocating the cause that they testify about. I do not say that the commission itself, as a body, would be animated by partisan zeal in cutting out testimony. I say the composition of the commission itself unfits it for the investigations that it is charged to make. A commission of this sort, if it is to have any weight at



all, ought to be composed of men in civil life, not in political life, and eminent in the different pursuits the investigation of which is required. That occurs to me to be the method which ought to have been adopted.

Now, after spending about a hundred thousand dollars, after going on for about two years, \$87,000 more is required and a year's time more is solicited in which to make a final report. Now, let us look at the subjects: "All questions relating to immigration, to labor, to agriculture, to manufactures, and business." It occurs to me that different bureaus already established provide for all the investigations into these matters here set out that are necessary. We have a Commissioner of Immigration, who gives the number of immigrants. He gives the kinds of immigrants. He gives the country from which they come. He gives all and every particular in regard to immigration which, it occurs to me, we ought to know. We have a Commissioner of Labor, whose researches, we all know, are characterized both by diligence and by capacity. Mr. Carroll D. Wright is very eminent as a labor investigator. His reports rank as high as those of any civilized State in the world. What could this commission, composed as it is, and as it will be under this system, of partisans for one side or the other or both, add to the labor and researches of Mr. Wright, the Commissioner of Labor?

As to agriculture, we have a Department of Agriculture, presided over generally by men of a great deal of intelligence and industry, and a large corps of assistants under them. They are engaged in the investigation of everything that pertains to agriculture. They give out their reports and their bulletins. Those reports and bulletins are eagerly sought for by the people, and are sent out at great expense to farmers and others who are not farmers. Seeds are sent out. Cuttings are sent out. All new plants are sent out. All new methods of agriculture are reported upon, and the publications containing those researches are sent abroad to the people.

Then an investigation is to be made into business and manufacturing. In the matter of manufacture, I understand that a new department is going to be asked for, or has already been asked for, in a bill before this body, in which all investigations of manufactures and commerce are to be lodged in the hands of this new department. So the Government already has provided for proper and efficient and official methods to inquire into everything that this commission is charged to inquire into.

In view of these charges of partisanship—of evidence being excluded, of evidence being cut down, censored—in view of the fact that, although the commission is composed of honorable gentlemen in the Senate, honorable members of the House of Representatives, these gentlemen have not time to make the investigations that the commission requires, it occurs to me that there is no necessity whatever for the commission.

A Senator has not time to take from his duties here in the Senate to investigate these matters that require expert knowledge. Them to make this investigation ought to be experts. While of course they might belong to one or the other of the parties that now prevail in the United States, they would not be partisans as members of the Senate and House are partisans. They would be men in civil life, who follow civil pursuits, and who vote for one or the other of the parties as an incident to their citizenship, but who do not make a living out of politics.

It occurs to me that there is no necessity whatever for the commission. I do believe, however, that the work already undertaken ought to be finished. The people ought not to lose the benefit of whatever may accrue to them from the labors of this commission by cutting it off all of a sudden. Just so much of an appropriation ought to be made as will allow the commission to bring in a report of what it has already done, and that ought to end its labors, in my opinion.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire to propose a modification to the paragraph beginning in line 23 by inserting "eighty-seven thousand five hundred" instead of "twenty-eight thousand six hundred."

The SECRETARY. In line 23, page 151, strike out "twenty-eight thousand six hundred" and insert "eighty-seven thousand five hundred;" so as to read:

To pay the expenses of the commission, \$87,500.

The amendment to the amendment was agreed to.

Mr. ALLISON. In line 25, page 151, I move to strike out "thirty-nine" and insert "forty-two."

The SECRETARY. In line 25, page 151, it is proposed to strike out "thirty-nine" and insert "forty-two;" so as to read:

To pay the salaries of the commissioners, not members of Congress, \$42,700.

The amendment to the amendment was agreed to.

Mr. ALLISON. In line 1, page 152, I move to strike out "\$122,300" and insert "\$129,500." It is a mere change of the total.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 152, line 16, after the word "dollars," to strike out:

*Provided*, That no part of this sum shall be used for payment of salaries of persons, whose employment is controlled by the Joint Committee on Printing, who were not appointed subsequent to January 1, 1900.

In line 20, after the word "*Provided*," to strike out "further;" in line 21, after the word "printers," to strike out the comma and insert the word "and;" and in line 22, after the word "binders," to strike out "and leather cutters and parers;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, \$3,948,800: *Provided*, That the Public Printer may hereafter, in his discretion, pay all printers and bookbinders employed in the Government Printing Office at the rate of 50 cents per hour for time actually employed; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely, etc.

The amendment was agreed to.

The next amendment was, on page 155, line 10, before the word "shall," to insert "under this appropriation;" so as to make the clause read:

For the Supreme Court of the United States, \$10,000; and the printing for the Supreme Court under this appropriation shall be done by the printer it may employ, unless it shall otherwise order.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. I ask leave to turn to page 23, lines 16, 17, and 18, the amendment of the committee which has been agreed to as in Committee of the Whole. I ask unanimous consent that that may be reconsidered, and I propose to substitute for it what I send to the desk.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered. The Senator from Iowa moves an amendment to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. Strike out the amendment in lines 16, 17, and 18 and insert:

Porto Rican light-house establishment: To maintain existing aids to navigation and complete the construction of Mona light on Porto Rico and adjacent islands, \$60,000, to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I ask that the letter which I send to the desk explaining the reasons for this change may be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, the letter will be inserted in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, May 25, 1900.

SIR: Referring to the letter from this Department of May 8, 1900, upon the subject of the Porto Rican light-house establishment and to the appearance before your committee of the representatives of the Light-House Board on May 12, 1900, when the sundry civil bill was under consideration, this Department begs leave to submit, at the instance of the Light-House Board, the following amendment to the sundry civil bill as reported to the Senate on the 23d instant:

On page 23, lines 16 to 18, strike out the words "lights on the island of Porto Rico" and insert the words "aids to navigation, and complete the construction of Mona light on Porto Rico and adjacent islands;" so that the paragraph will read as follows:

"Porto Rican light house establishment: To maintain existing aids to navigation and complete the construction of Mona light on Porto Rico and adjacent islands, \$60,000, to be immediately available."

In explanation of the foregoing amendment it is submitted that the completion of Mona light will cost about \$8,000, and the work, which was under way under the insular government, has been continued by the Light-House Board, and will probably be completed within the present fiscal year. It will be necessary to provide for the floating aids, buoys, etc., as well as the lighted aids, and these lights and other aids are located upon the island of Porto Rico and also on Mona Island, on Caya de Muertos, on Cordona, on Culebrita, and on Vieques Islands, at various distances from the coast of Porto Rico.

Respectfully,

O. L. SPAULDING, Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,  
United States Senate.

Mr. ALLISON. I wish to modify the amendment proposed on page 43, line 22. After the word "dollars," where the words "1 clerk of class 1" were inserted, I wish to restore the words "bookkeeper, \$1,080," which were stricken out on my motion; so that it will read:

One clerk of class 1, bookkeeper, \$1,080; in all, \$7,680.

The amendment was agreed to.



Mr. ALLISON. On page 67, line 15, after the word "dollars," I move to insert:

And for private secretary to the governor, \$2,000.

This was omitted, the law requiring it to be inserted.

The amendment was agreed to.

Mr. ALLISON. After the words just inserted, on the same page and line, I move to insert:

For traveling expenses of the governor while absent from the capital on official business, \$500.

That is also required by the law relating to Hawaii.

The amendment was agreed to.

Mr. ALLISON. On page 72, after the word "dollars," in line 4, I propose to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 72, line 4, after the word "dollars," insert:

*Provided*, That nothing in the act to regulate the use of the Capitol grounds, approved July 1, 1882, shall be construed to prohibit concerts on the Capitol grounds at times when neither House of Congress is sitting by any band in the service of the United States under the direction of the Architect of the Capitol.

Mr. ALLISON. I will say that this amendment is inserted—and I ask that it be inserted by unanimous consent—in order to meet a difficulty that has been discovered in some statute which prohibits the use of the band during the vacations.

The amendment was agreed to.

Mr. CARTER. If the Senator from Iowa, in charge of the bill, will permit me, I should like to ask the present consideration of a bill which will take but a moment.

Mr. ALLISON. I will yield to the Senator in a few moments, but not now, if he will pardon me.

Mr. SEWELL. I wish to give a notice.

Mr. ALLISON. Has the amendment which I sent to the desk been agreed to?

The PRESIDENT pro tempore. The amendment has been agreed to.

Mr. ALLISON. On page 78, line 23, I move to strike out "and" and insert "or;" so as to read:

And to prevent payment for fraudulent or imperfect surveys returned by deputy surveyors.

The amendment was agreed to.

Mr. ALLISON. On page 88, line 22, under the heading "Current expenses of the Columbia Institution for the Deaf and Dumb," after the word "August," I move to strike out "thirteenth" and insert "thirtieth;" so as to make the proviso read:

*Provided*, That the number of beneficiaries in said institution, authorized by the act of August 30, 1890, to be received from the several States and Territories is hereby increased from 60 to 100.

The amendment was agreed to.

Mr. ALLISON. Yesterday and to-day in the consideration of this bill a number of amendments were passed over for consideration. Some of them are very important, and I have no doubt they will lead to some debate. I think perhaps it is hardly worth while to undertake the consideration of those amendments to-night, as I am quite sure we could not complete the bill within any reasonable hour this evening.

Mr. PETTUS. I move that the Senate adjourn.

Mr. CARTER. I ask the Senator from Alabama to withhold that motion for a moment. I have a measure relating to the Census Office, which is important, and I should like to submit it for present consideration.

Mr. PETTUS. Will it occupy much time?

Mr. CARTER. No time at all, so far as I can perceive. It can be readily disposed of.

Mr. PETTUS. Very well.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SETTLE.

Mr. LINDSAY. Mr. President, I desire to give notice that on Tuesday, June 5, at 5 o'clock p. m., I will ask the Chair to lay before the Senate the resolutions from the House of Representatives upon the life, character, and public services of Hon. EVAN E. SETTLE, late a Representative from the State of Kentucky.

#### DISBURSING CLERK OF CENSUS OFFICE.

Mr. CARTER. From the Committee on Census I report back favorably without amendment the bill (H. R. 11816) requiring the disbursing clerk of the Census Office to file an additional bond, and for other purposes, and I request permission for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LYDIA STRANG.

Mr. ALLEN. I ask for the present consideration of the bill (H. R. 7812) granting a pension to Lydia Strang.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to place on the pension roll the name of Lydia Strang, dependent foster mother of William P. Lewis, late a private in Company E, First Nebraska Volunteer Infantry, and to pay her a pension of \$12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. I have asked unanimous consent several times to call up the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz, and it has been objected to by some one, but I know of no reasonable objection to it. It is an act of justice. The rule by which they were paid seems to me an outrage upon justice. They won the prize after thirteen years of labor. Their plan was accepted, and then some six months afterwards they were employed for a short time, and their rate of employment by the month or by the year afterwards was made a rule for judging of the entire employment. I think that the bill ought to pass. The Senator from Massachusetts [Mr. HOAR] was here at the time, and he knows about it. I should like to hear from him on the subject.

Mr. ALLISON. I suggest to the Senator from Nevada that that bill ought to go over at least until to-morrow. I shall not object to its consideration at this time or at any other time, but I was urged on account of the length of this day to cease working upon the sundry civil appropriation bill. I would much prefer to go on with that bill if we are to continue in session.

Mr. HOAR. It will take only a moment.

Mr. STEWART. It has been read, and it will take but a moment to put it on its passage. If there is no objection to it, it can be voted on at once.

Mr. GALLINGER. I suggest to the Senator to submit his request.

Mr. STEWART. I do.

The PRESIDENT pro tempore. The Senator from Nevada asks for the present consideration of the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz. The bill has been read.

Mr. BATE. How much is involved?

Mr. PETTIGREW. That bill can not be disposed of to-night, I am very sure. It is a bill over which there is controversy.

Mr. STEWART. Then I shall have to move to take it up.

Mr. BATE. That is all right. There will be no voting quorum.

Mr. STEWART. I give notice, then, that you must give me an opportunity to-morrow morning to move to take it up.

Mr. ALLISON. I wish to say just one word with reference to these bills. I have been compelled to be absent a great many hours on a great many days upon committee work. I have one or two little bills on the Calendar that I desire very much to have considered, and which I hope to have considered before we adjourn, but in the pressure of appropriation bills I have refrained from pressing them forward. I feel quite sure that all bills which ought to be considered can be considered before final adjournment.

Mr. PETTUS. I renew my motion.

Mr. STEWART. I will not press it further to-night, but I shall try it again in the morning.

Mr. SEWELL. I ask the Senator from Alabama to withhold his motion that I may give a notice.

Mr. PETTUS. Certainly.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL. I desire to give notice that on the conclusion of the sundry civil appropriation bill—to-morrow, I hope, some time—I shall ask the Senate to consider the bill (H. R. 11538) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1901, and for other purposes.

#### AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair desires to lay before the Senate a communication from the Public Printer, in which he calls attention to the fact that under the resolution of the Senate for the printing of 3,000 copies of parts 1 and 2 of Document 62 the cost will be more than \$500. If there be no objection, the vote by which the resolution was agreed to will be reconsidered and the resolution will be recommitted to the Committee on Printing.

Mr. PETTIGREW. Can we not reduce the number to 1,500?

Mr. PLATT of Connecticut. Can not the Senate order the reprinting of a document without referring it?

The PRESIDENT pro tempore. Not by a Senate resolution alone.

Mr. PETTIGREW. Then I move to reconsider the vote by which the resolution was agreed to.

The motion to reconsider was agreed to.

The Senate, by unanimous consent, resumed the consideration of the resolution, as follows:

*Ordered*, That there be printed for the use of the Senate 3,000 copies of parts 1 and 2, Document No. 62, third session Fifty-fifth Congress.



Mr. PETTIGREW. I move to reduce the number to fifteen hundred. That will bring it within the \$500 limit.

Mr. HAWLEY. We could make it a joint resolution very easily.

Mr. PETTIGREW. I am afraid it would not get through the other House. One of our resolutions to print this very document is before the other House now.

The PRESIDENT pro tempore. The Senator from South Dakota moves to strike out "three thousand" and insert "fifteen hundred." Is there objection to the amendment? The Chair hears none. Shall the resolution as amended be agreed to?

The resolution as amended was agreed to.

MATHIAS PEDERSON.

Mr. ALLISON. I ask unanimous consent to call up House bill 1992. If it takes a minute and a half beyond the time of reading it, I shall withdraw it.

Mr. PETTIGREW. I do not know what bill that is, but I am going to object to any unanimous-consent agreement to-night.

Mr. BATE. That ends it.

The PRESIDENT pro tempore. Objection is made.

Mr. ALDRICH. Will not the Senator allow the bill to be read?

Mr. PETTIGREW. No; I do not know what the bill is, but I am going to object.

Mr. PETTUS. I move that the Senate adjourn.

Mr. HOAR. I hope the Senator will allow a brief executive session. I have several reports that I should like to make.

Mr. PETTUS. Very well.

The PRESIDENT pro tempore. The Senator from Alabama withdraws his motion.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 29, 1900, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 28, 1900.*

##### POSTMASTERS.

Anne D. Moore, to be postmaster at Avondale, in the county of Chester and State of Pennsylvania.

John H. Glasser, to be postmaster at Monaca, in the county of Beaver and State of Pennsylvania.

John F. Stunkel, to be postmaster at Leesburg, in the county of Lake and State of Florida.

Harry S. Van Gorder, to be postmaster at Morenci, in the county of Graham, Arizona Territory.

Nettie A. Hudspeth, to be postmaster at Nashville, in the county of Howard and State of Arkansas.

David Israel, to be postmaster at Donaldsonville, in the county of Ascension and State of Louisiana.

Homer B. Bryson, to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky.

J. A. Constant, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas.

John F. Diener, to be postmaster at Syracuse, in the county of Otoe and State of Nebraska.

James M. Diment, to be postmaster at Owatonna, in the county of Steele and State of Minnesota.

R. Arundel, to be postmaster at Staples, in the county of Todd and State of Minnesota.

H. J. Rouse, to be postmaster at Cazenovia, in the county of Madison and State of New York.

George W. Pollitt, to be postmaster at Paterson, in the county of Passaic and State of New Jersey.

John J. Anderson, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey.

William Watson, to be postmaster at Warsaw, in the county of Wyoming and State of New York.

Clarence A. Sprague, to be postmaster at Liberty, in the county of Sullivan and State of New York.

Charles E. Smith, to be postmaster at Whitesboro, in the county of Oneida and State of New York.

Joseph B. Woodward, to be postmaster at Franklin, in the county of Warren and State of Ohio.

Henry Nixon, to be postmaster at Salineville, in the county of Columbiana and State of Ohio.

John M. Birch, to be postmaster at Yellow Springs, in the county of Greene and State of Ohio.

George A. Johnson, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania.

E. D. Carl, to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania.

Edward B. Waters, to be postmaster at Burns, in the county of Harney and State of Oregon.

James Clove, to be postmaster at Provo City, in the county of Utah and State of Utah.

W. G. Roberts, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania.

U. V. Mace, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

James William Huggins, to be postmaster at Fitzgerald, in the county of Irwin and State of Georgia.

John H. Mitchell, to be postmaster at Pueblo, in the county of Pueblo and State of Colorado.

Thomas H. Sexton, to be postmaster at Juneau, in the county of Dodge and State of Wisconsin.

#### HOUSE OF REPRESENTATIVES.

MONDAY, May 28, 1900.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

##### ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I desire to give notice to the House that on Wednesday morning next the Committee on Rules will report a rule making a special order for consideration by the House of joint resolution 138, proposing an amendment to the Constitution of the United States with respect to trusts, and House bill 10539, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and and set apart three days—Wednesday, Thursday, and Friday—for their consideration.

Mr. RICHARDSON. May I ask the gentleman if he remembers that Wednesday is Decoration Day? Do we not intend to adjourn over that day?

Mr. DALZELL. I do not think we can observe Decoration Day better than to attend to the public business.

Mr. RICHARDSON. We usually adjourn over.

Mr. DALZELL. I think not; I think the gentleman is mistaken.

Mr. RICHARDSON. I think the gentleman from Pennsylvania is in error.

Mr. ROBINSON of Indiana. When is the vote to be taken?

Mr. DALZELL. On Friday evening.

##### CIVIL CODE FOR ALASKA.

Mr. WARNER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 3419, to provide a civil code for Alaska.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JENKINS in the chair, for the further consideration of Senate bill 3419, making further provision for a civil government for Alaska, and for other purposes.

Mr. WARNER. Mr. Chairman, I ask that the Clerk read the last section.

The Clerk read as follows:

SEC. 364. All acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, The officers properly qualified and actually discharging official duties in the district may continue to act in their respective official capacities under existing law until August 1, 1900, unless their successors are appointed and qualified prior to that date.

Mr. WARNER. Mr. Chairman, I offer the following amendment to the section.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 364, on page 616, after the word "repeal," in the second line of said section.

Mr. BARTLETT. Mr. Chairman, we are interested in knowing what the amendment is, and can not hear.

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The amendment was again read.

Mr. CAMPBELL. Will the gentleman from Illinois state what is the purpose of it?

Mr. WARNER. The purpose of the amendment is to make the act conform to the previous sections. The original provision was that the time should expire August 1, but that was amended, and it is provided that the officers shall serve until their terms expire. We do not want to legislate anybody out of office by this code.

The amendment was agreed to.

Mr. WARNER. As the gentleman from Ohio does not seem to be in his place this morning, I ask unanimous consent that we



recur to chapter 12, on arrests. The gentleman from Ohio [Mr. GROSVENOR] made a motion to adopt an amendment, or a substitute for the entire chapter, and it was continued over until to-day in order that his substitute for the chapter might be printed in the RECORD for the information of the House. That has been printed in the RECORD, and I move that the amendment offered by the gentleman from Ohio as a substitute for chapter 12 be adopted.

Mr. BARTLETT. Before consenting to anything about the matter, Mr. Chairman, as I understand, the gentleman from Illinois proposes to return to chapter 12, which provides for arrest and bail in civil actions, and to consider the amendment offered by the gentleman from Ohio [Mr. GROSVENOR] in lieu of that chapter.

Mr. WARNER. As a substitute for the chapter.

Mr. BARTLETT. Is it not true that the only change made by the amendment offered by the gentleman from Ohio in that section as originally reported by the committee is that it strikes out the words "money had and received" and the provision for arrest in suits for breach of promise of marriage?

Mr. WARNER. No; I will say to the gentleman from Georgia those are not the only amendments. It strikes out, in line 5, on page 71, the words "or cause of action arising out of contract;" so it makes the first clause of section 98 read:

In an action for the recovery of money or damages when the defendant is a nonresident of the district, or is about to remove therefrom with intent to defraud his creditors, or when the action is for an injury to person or character, or for willful injury, detaining, or converting property.

And down below, in section 2, it strikes out "on a promise to marry" and strikes out the words "received and for;" and in lieu of "on a promise to marry" it inserts "for seduction." It makes the whole section refer only to torts or wrongs or frauds.

Mr. BARTLETT. I call the gentleman's attention to the fact that it leaves in suits for injuries to person or character.

Mr. WARNER. Well, those are torts.

Mr. BARTLETT. I understand that. But without a provision of this kind there would be no suit for tort or ex delicto with reference to personal injuries, which authorize arrest and requirement of bail in such cases. The amendment would allow imprisonment not only in a suit for assault and battery or libel or slander, but in a suit of any kind where the plaintiff alleges that he has been injured in his person or character by the action of another.

Mr. WARNER. By personal injury is meant a physical injury or an injury to a person's character; it would not cover an injury to his bank account—to his financial condition.

Mr. BARTLETT. I understand the gentleman now asks unanimous consent to return to that section for the purpose of reading and considering it?

Mr. WARNER. That is what I ask; and to pass upon the question whether we shall adopt the substitute or not. I think it would be best to do it; and according to my recollection I am inclined to the opinion that this course was agreed to on Saturday, though I am not sure.

Mr. BARTLETT. Oh, no.

Mr. WARNER. I did not know; perhaps the gentleman reserved the right to object.

Mr. BARTLETT. The stipulation was made that this amendment was to be simply printed for information.

Mr. WARNER. Then I ask unanimous consent that we may now recur to that paragraph.

Mr. COWHERD. Allow me one question. This, as I understand, is only a civil code for Alaska?

Mr. WARNER. A civil code.

Mr. COWHERD. And they have a criminal code in force there?

Mr. WARNER. Yes, sir.

Mr. COWHERD. And the criminal code makes such a thing as seduction a crime?

Mr. WARNER. I can not speak positively as to that. I presume such is the case. I went over this question very carefully two years ago.

Mr. COWHERD. Then all of the offenses enumerated here and which are generally made crimes by the statutes of the different States are punishable as such in the Territory of Alaska?

Mr. WARNER. I do not understand the gentleman.

Mr. COWHERD. In the criminal code of Alaska there are found defined the crimes usually defined as such in the statutes of the States?

Mr. WARNER. I think that is correct.

Mr. COWHERD. Then does not the gentleman think it is sufficient that the criminal statutes provide for arrest in such cases? Ought there to be any arrest in the Territory for civil offenses?

Mr. WARNER. When a person is entitled to a remedy under the public laws for a criminal offense against him, that fact should not bar him from his private action on account of the personal

injury—should not bar his right to whatever judgment he may be able to obtain by civil action. These provisions apply only where there is a civil action authorized.

Mr. COWHERD. I know that; but ought we to allow imprisonment as a remedy in a civil action?

Mr. WARNER. If a man assaults another in Alaska—maims him, abuses him, beats him, in violation of the criminal code—the party thus assaulted has always his civil remedy, and should be entitled to some security for whatever judgment he may obtain in an action against the offender.

Mr. COWHERD. Have you provided any remedy for the relief of the imprisoned debtor, if he makes a good defense?

Mr. WARNER. Oh, yes.

Mr. COWHERD. It was not so in the original bill.

Mr. WARNER. The imprisoned debtor can get out in many ways. Before the arrest, the plaintiff must give security for paying all the expenses of the defendant's confinement, and the person confined can have a hearing.

Mr. COWHERD. I think I will object.

Mr. BARTLETT. Does the gentleman from Missouri object?

Mr. COWHERD. This matter must go to conference any how.

Mr. WARNER. If it goes to conference the trouble is that in all probability it will come back here in the shape in which it was introduced before these amendments were made. If we can agree upon necessary amendments here, the bill will be in much better shape after the conference than if it goes back in the original form.

Mr. COWHERD. I do not believe there ought to be any punishment in the way of imprisonment except for crime. I do not believe that any statute ought to permit a man to be imprisoned for debt. Under the provision of this bill a man may be imprisoned on civil action for trespass or personal injury.

Mr. WARNER. The only question now is whether you adhere to your objection to the consideration of this proposed substitute. If you adhere to that, then we will have to take care of it in conference.

Mr. Chairman, we passed over section 269, on page 140.

Mr. BARTLETT. Is that the section on contempt?

Mr. WARNER. No; it relates to arrests after judgment.

The CHAIRMAN. The gentleman from Illinois asks that the committee return to section 269, which was passed over without prejudice. What is the pleasure of the gentleman with reference to section 269?

Mr. WARNER. I desire a vote on that now.

The CHAIRMAN. The Clerk will report the section.

The Clerk read as follows:

SEC. 269. A person arrested on execution shall be imprisoned in jail, and kept at his own expense until satisfaction of the execution, or his legal discharge, but the plaintiff shall be liable in the first instance for such expense, as in other cases of arrest, in the same manner and to the same extent as prescribed in sections 118 and 119.

Mr. LLOYD. Sections 268 and 269 were both passed without prejudice. The Clerk should first read section 268.

Mr. WARNER. That is correct.

The CHAIRMAN. The Clerk will read section 268.

The Clerk read as follows:

SEC. 268. If the action be one in which the defendant might have been arrested, as provided by section 98, an execution against the person of the judgment debtor may be issued after the return of the execution against his property unsatisfied in whole or in part, as follows:

First. When it appears from the record that the cause of action is also a cause of arrest, as prescribed in section 98, such execution may issue of course;

Second. When no such cause of arrest appears from the record, such execution may issue for any of the causes prescribed in section 98 that may exist at the time of the application therefor, upon leave of the court or judge thereof;

Third. When the defendant has been provisionally arrested in the action, or an order has been made allowing such arrest, and in either case the order has not been vacated, such execution may issue of course;

Fourth. When execution is issued against the person of the defendant by leave of the court, it shall be applied for and allowed in the manner provided in section 99 for allowing a writ of arrest, except that the undertaking need not be for an amount exceeding the judgment. A defendant arrested on execution, who has not been arrested provisionally, may at any time be discharged from such arrest for the causes and in the manner provided in sections 120 and 121 for the discharge of a defendant who has been provisionally arrested.

Mr. BARTLETT. Mr. Chairman, I did not object to returning to the section as asked by the gentleman from Illinois, but as all of the chapter providing that a party may be imprisoned for debt prior to judgment has been stricken out, it occurs to me that these provisions in the bill would make it a little awkward, and therefore I move to strike out sections 268 and 269. If we are to stand by the action of the committee with reference to the section to which these sections refer back, prescribing when a person may be arrested in a civil action, then these sections will be out of place. Therefore I move to strike them out.

The CHAIRMAN. The Chair will say to the gentleman from Georgia that, in the opinion of the Chair, as expressed the other day, a motion to strike out the two sections at one time would



not be in order, but that a motion to strike out each separately would be in order.

Mr. BARTLETT. I move to strike out section 268.

Mr. WARNER. I will let it go and not say anything about it. We will fix that later.

Mr. LLOYD. Mr. Chairman, the whole of chapter 12, in which occurs section 98, to which reference is here had, has been stricken out of this bill. This section will have to be amended in some way. The gentleman from Georgia moves that the section be stricken out. It is a section which provides for arrests after judgment, providing that execution may be issued against the property of the defendant; and if no property is found upon which to levy, then an execution may be issued against the person of the defendant. That is provided for by this section, and the gentleman from Georgia asks that it be stricken out. It seems to me, under the circumstances, as chapter 12 has been stricken out, that it would be proper to strike this out.

Mr. BARTLETT. Not only that, Mr. Chairman, but section 268 expressly provides that if it is a judgment rendered upon an action in which the defendant could originally have been arrested, then you can arrest him under this section. Therefore—

Mr. GIBSON. I will suggest to the gentleman from Georgia that the committee are not resisting the motion.

The motion of Mr. BARTLETT to strike out section 268 was agreed to.

Mr. BARTLETT. Now I move to strike out section 269 also.

Mr. LEVY. Mr. Chairman, this session of Congress is drawing to a close, and no action has been taken to reduce the surplus now lying in the Treasury due to war-revenue taxes. Hearings have been granted by the Ways and Means Committee, which, so far as results show, were a waste of both the time of the committee and of the representatives of the various interests appearing before them. It seems now from the statement of the distinguished chairman of that committee that it never was intended to repeal these taxes at this session of Congress.

I was surprised to learn from his statement that, having served their purpose as a war revenue, these taxes were now to be used in redeeming bonds, which not only have a number of years to run, but on which, in addition to their face value, the Treasury has been obliged to pay a premium of over \$37,000,000 out of the surplus, in the refunding, due to the difference in the exchange.

#### THE EXCUSE FOR NONACTION WILL NOT BE ACCEPTED BY THE PEOPLE.

The excuse for nonaction which the chairman of the Ways and Means Committee offers will not be accepted by the taxpayers of the United States, and certainly not by those representing them who appeared before the committee in the hope and with some assurance that their complaints of the unfairness of these taxes and their plea for a reduction of them, if not their entire repeal, would be heeded.

#### LARGE CASH BALANCE IN TREASURY.

The available cash balance in the Treasury on the 26th of May amounted to \$144,904,488.80, in addition to the reserve, while the excess of receipts over expenditures of the Government aggregated \$61,130,798.23. War and naval expenses are decreasing; customs and internal revenue receipts are increasing, while the total expenditures of the Government have decreased over \$121,364,436.10 for the ten months of this fiscal year. It must be borne in mind that the Secretary of the Treasury purchased over \$21,000,000 of 4 and 5 per cent bonds, and set aside \$50,000,000 of reserve, and this amount must be added to the surplus for the fiscal year, which would make it \$131,130,798.

The reserve fund, with the available cash balance now in the Treasury, amounts to \$294,904,488.80, or about \$4 per capita for every citizen, now lying idle and reducing the money in circulation to about \$32 per capita, or partly deposited in national banks, where it draws no interest, because of the failure of Congress to enact legislation which had been proposed in this body on the Democratic side to charge interest on these very deposits.

The people will not readily excuse the policy of the Administration which taxes them and takes from their business a part of their earnings in order that national banks might receive the benefit of their contributions to the support of the Government without paying interest thereon.

#### ARGUMENTS OF DELEGATIONS.

Every delegation that has appeared before the Ways and Means Committee has presented but one argument. It is the argument heard everywhere, except in the committee room, perhaps, when no delegation was present, namely, "the war is over;" and upon that argument is based the request to fulfill the promise that these taxes would be repealed when peace had been restored.

When the patriotism of the people was appealed, to the response was prompt, and merchants, manufacturers, bankers and brokers, and tradesmen of all classes gladly accepted the burden of taxation, believing, as they had every right to believe, that when the war ended these taxes would cease.

Their hope does not seem destined to be fulfilled at this session of Congress, while it seems equally certain that the taxes contributed for war purposes only are to be used for another purpose, and one not contemplated by any member of this House when the war-revenue bill was before it, and certainly not by the ranking member of the Ways and Means Committee.

#### DEMAND FOR REPEAL OF TAXES COMES FROM EVERY CLASS.

The demand for the repeal of these taxes does not come from one class of merchants or manufacturers, nor should it be made so much a party measure as a question of good business judgment and sound financial legislation, but it is safe to predict that those who suffer under these taxes, when they know that the Treasury contains an overflowing surplus, will hold the Republican party responsible for its failure to relieve it and restore it to the people.

A surplus is as great a menace to the Government as it is to corporations, and leads not only to extravagance in expenditures but, as in the case of corporations, to a concentration of capital, which leads to the denunciations of combinations of business enterprises into so-called trusts. The same disastrous effect invariably follows the accumulation of a surplus which should be kept in circulation, and just as surely as this surplus remains in the vaults of the Treasury so surely will its influence be felt in business circles, and at a time when Congress will be powerless to relieve the conditions which it will bring about. Such a condition arose last October, and not only retarded our prosperity at home, but impaired our prestige abroad.

We are assuming with mighty strides the position of the leading financial nation of the world. It is not difficult to imagine how long that position can be maintained if we continue to exhibit a weak financial policy.

As I predicted, we are now supplying Europe with coal and iron in largely increasing quantities. Every dollar of money possible to be put in circulation is required for our daily increasing enterprises. But it should not be circulated by redeeming bonds which bear a rate of interest of 2 per cent with money exacted from the people and withdrawn from their business, where it would yield a return not of 2, but of 5, 10, and even 15 per cent. This is not only bad financing, but is unfair to the people.

#### NO GOOD REASON FOR DELAY.

I can see no good reason for delay in passing a bill for the reduction of these war taxes. It will not require any nice adjustment of schedules nor any great exercise of economic judgment to formulate and introduce such a bill, nor will it demand long debate. The surplus exists, as the daily reports of the Secretary show. If the \$100,000,000 which it was proposed to raise by the original war measure are needed, why should the surplus above that amount not be restored to the people?

Why wait until the next session to do this when the pledge was given when this law passed, and even by the distinguished gentleman from New York who speaks for the other side of the Chamber, that "the proposition of the committee" (referring to the Ways and Means Committee) "is that when the war is over we cut out the war taxes, and that we pay the bonds, as we paid the bonds of the late war, out of the usual and ordinary taxes." Now it is proposed—and by the very chairman who made the above suggestion—not only to defer the abrogation of these taxes, but to put them to the very use which he said the committee proposed not to do when the bill was before you for passage.

#### BREWERS PAY 40 PER CENT.

It has been stated that those who appeared before the committee were anxious to have the taxes removed from the particular industry which they represented. Naturally that must have been the object of their appearance. One class of the business men of the United States, however, deserved especial consideration, because of the unselfish patriotism which they exhibited in the payment of taxes during the late war and because they have cheerfully continued the payment of the taxes imposed to defray the cost of the lamentable civil war.

At the outbreak of the Spanish-American war, while protesting against the imposition of a double tax upon their product, the brewers of the United States, recognizing that it was the duty of every citizen to stand by the Government, yielded gracefully and promptly to the demands and requirements of the time, and during the first five months of the existence of the tax contributed over 40 per cent of the war revenue. Not only was an increased tax imposed, but they were compelled to meet a decrease in the consumption of their commodity, which for the five months above referred to amounted to 1,250,000 barrels.

While it may be said that the consumer contributes to the beer tax imposed by the Government, and while this is partly true, the decrease in consumption which caused a loss to the producer was due to the imposition of this tax, and this loss to the producer occurred at a time when every other industry in the country was prospering.



In no other country is the tax on malt liquors so high as it is in the United States to-day. The original tax of \$1 has remained constant, while the price per barrel of beer has steadily declined, until now it is just about half the price obtaining when the original tax was imposed.

#### BREWING INDUSTRY SERIOUSLY AFFECTED.

This industry has been seriously affected by these taxes, and every industry identified with it has suffered in proportion—real estate, coopers, farmers, bottle manufacturers, wagon builders, horse dealers; in fact, every business dependent upon the brewing interests for the sale of goods or manufactures. How long this condition will continue can not be inferred from any action of the Ways and Means Committee, for we have only the assurance "that a bill may be framed that may be brought in next December," and in the meantime the brewing industry must continue to pay double taxes while its business decreases and keep up the price of wages of their employees.

#### BURDEN ON DRUGGISTS.

The proprietary medicine industry represents not only a large investment of capital, but also, and which is more important, practically 38,300 retail druggists in the United States, 60 per cent of whose income is taxed by this bill. While the manufacturers have in some instances paid 20 per cent of that tax, the burden falls on the druggist, who in addition to this tax, which in some instances is upon the chief article of sale in his store, is compelled to pay his ordinary taxes on checks, freight bills, telegrams, and upon the alcohol he uses in his medicinal preparations. The profits of the proprietary medicine business have been cut in half, while at the same time the business itself has increased materially. This is due solely to the discriminating taxes which have been imposed, and from which they now ask relief, solely because the Government is in a position to do without them.

#### INJUSTICE TO BROKERS.

The representatives of the Consolidated Stock Exchange appeared before the committee, and in an argument which seemed convincing at the time demonstrated that the tax upon themselves and their business was unfair as well as discriminating. They have not complained heretofore, and only do so now because they feel that the time has come when the Government can and should properly relieve them of the burden of these taxes. The broker who sells 100 shares of stock for \$100,000 pays exactly the same tax as one who sells a hundred shares of stock for \$100, which seems to me to be a very unjust method of taxation. These discrepancies in the law must be apparent to every member of the committee who helped to frame it, and were certainly made plain by those who appeared before them.

#### SPECIAL TAXES UNEQUAL.

The revenue tax on tea affects a class of our citizens who can ill afford to pay the tax. It does not affect to the same extent the wealthier tea drinkers. It is especially burdensome to the country population, who are large users of tea. Whether tea sells for \$1 a pound or 25 cents a pound the tax is the same, and the rich man, who can afford to pay a dollar a pound for his tea, pays a tax of 10 cents a pound on his tea, while the more economical workingman, who pays 25 cents a pound for his tea, pays a tax of 60 per cent.

In New York special war taxes under Schedules A and B were paid by 59,744 people, as shown by the returns of the collection districts herewith appended. The receipts from these districts in 1899 for these two schedules were over \$14,000,000. In addition to these special taxes, the per capita rate of taxes in New York City, State and local, is \$24.50, and our citizens pay for local and national taxes more than the citizens of any State.

In their name I protest against the further continuance of the war taxes and demand their prompt repeal and the restoration of the surplus created thereby to the people of New York and every other State of the Union. The House has been in session for six months, and not the slightest effort has been made to reduce taxation or to fulfill the pledge that these war taxes would be repealed as soon as the war was ended. The bill which I introduced (H. R. 8490) sought to decrease these taxes and still leave sufficient in the Treasury to meet the demands of the Government. I believed then that these taxes should be reduced \$60,000,000. I believe now that they should be repealed entirely; that is, purely war-revenue taxes.

This can be done now with safety before we adjourn if there was the slightest disposition on the part of the majority of this body to act. The minority can not pass such a measure as would relieve the people, however ready they are to do so. But I have no fear that the people will fix the responsibility for refusal to repeal these taxes where it properly belongs, and will appreciate the fact that the Democratic party has always stood ready to act in this matter or any other matter which was for the people's welfare.

I append some statistics which I would like to have made a part of my remarks:

*Statement of cash in the Treasury of the United States, in divisions of issue and redemption, on the 26th day of May, 1900.*

RESERVE FUND.	
Gold coin and bullion in division of redemption.....	\$150,000,000
TRUST FUNDS.	
[Held for the redemption of the notes and certificates for which they are respectively pledged.]	
DIVISION OF REDEMPTION.	
Gold coin.....	\$229,869,779
Silver dollars.....	414,707,000
Silver dollars of 1890.....	8,427,807
Silver bullion of 1890.....	71,568,193
United States notes.....	5,105,000
Total.....	729,677,779
DIVISION OF ISSUE.	
Gold certificates outstanding.....	229,869,779
Silver certificates outstanding.....	414,707,000
Treasury notes outstanding.....	79,996,000
Currency certificates outstanding.....	5,105,000
Total.....	729,677,779
GENERAL FUND.	
Gold coin and bullion.....	\$42,315,651.05
Gold certificates.....	27,165,960.00
Standard silver dollars.....	4,751,021.00
Silver certificates.....	6,643,585.00
Silver bullion.....	123,840.24
United States notes.....	17,357,203.00
Treasury notes of 1890.....	682,532.00
Currency certificates.....	145,000.00
National bank notes.....	6,459,036.32
Fractional silver coin.....	5,753,141.61
Fractional currency.....	89.72
Minor coin.....	432,141.11
	\$111,849,221.05
In national bank depositories—	
To credit of the Treasurer of the United States.....	105,683,609.91
To credit of disbursing officers.....	5,677,907.42
	111,364,517.33
Awaiting reimbursement:	
Bonds and interest paid.....	701,850.15
	112,066,367.48
Liabilities:	
National bank 5 per cent fund.....	11,052,721.47
Outstanding checks and drafts.....	6,121,252.03
Disbursing officers' balances.....	52,401,594.01
Post-Office Department account.....	6,831,461.06
Miscellaneous items.....	2,604,270.56
	79,011,099.73
Available cash balance.....	\$144,904,488.80

#### Receipts, expenditures, redemptions, etc., May 26, 1900.

	This day.	This month.	This fiscal year.
RECEIPTS.			
Customs.....	\$434,742.87	\$14,692,741.40	\$211,784,966.25
Internal revenue.....	1,006,679.33	20,310,132.77	264,003,456.61
Miscellaneous.....	63,834.94	3,267,831.55	34,889,348.58
Total receipts.....	1,505,257.14	38,290,708.72	510,677,771.44
EXPENDITURES.			
Civil and miscellaneous.....	10,000.00	8,270,000.00	96,111,528.21
War.....	410,000.00	7,110,000.00	124,896,544.51
Navy.....	75,000.00	4,595,000.00	50,485,528.31
Indians.....	45,000.00	710,000.00	8,929,332.91
Pensions.....	500,000.00	11,945,000.00	129,799,159.27
Interest.....		3,050,000.00	39,324,880.00
Total expenditures.....	1,040,000.00	35,680,000.00	449,546,973.21
Excess of receipts over expenditures.....	465,257.14	2,610,708.72	61,130,798.23
Receipts last year:			
Customs.....	561,998.77	16,901,702.74	186,757,736.01
Internal revenue.....	914,067.10	20,494,013.99	243,000,674.20
Receipts from all sources last year.....	1,540,114.32	38,640,796.60	468,696,811.34
Expenditures last year.....	1,367,000.00	37,060,000.00	570,911,409.31
NATIONAL-BANK FUND.			
Deposits under act July 14, 1890.....	27,000.00	268,777.50	16,989,695.00
Redemptions under act July 14, 1890.....	169,075.00	2,166,720.00	15,445,365.00
REDEMPTION OF NOTES.			
To date.....	\$546,466,414.00	\$103,195,488.00	\$649,661,902.00
This fiscal year, to Mar. 14, 1900.....	11,011,798.00	3,699,121.00	14,710,919.00
	United States notes (since 1879).	Treasury notes (since 1890).	Total.



## Receipts, expenditures, redemptions, etc.—Continued.

	United States notes.	Treasury notes.	Total.
UNDER ACT MARCH 14, 1900.			
Redeemed in gold—			
To date .....	\$11,015,255.00	\$1,602,817.00	\$12,678,072.00
This fiscal year .....	11,015,255.00	1,602,817.00	12,678,072.00
This month .....	6,081,966.00	1,161,946.00	7,243,912.00
This day .....	184,560.00	52,480.00	237,040.00

## Receipts, expenditures, redemptions, etc.—Continued.

	United States notes.	Treasury notes.	Total.
UNDER ACT MARCH 14, 1900—continued.			
Exchanged for gold—	15,255.00		
To date .....	\$11,015,255.00	\$1,602,817.00	\$12,678,072.00
This fiscal year .....	11,081,966.00	1,602,817.00	12,678,072.00
This month .....	6,084,560.00	1,161,946.00	7,243,912.00
This day .....	1	52,480.00	237,040.00

## SPECIAL-TAX PAYERS IN NEW YORK UNDER SCHEDULES A AND B.

Statement showing, by collection districts, the actual number of the different kinds of special-tax payers for the fiscal year ended June 30, 1899; also the number of billiard tables and bowling alleys for which special tax was paid for the same period.

The figures in the following table represent the actual number of persons or firms as returned to this office by the collectors of the several collection districts who, during the fiscal year 1899, were engaged in business for different periods of time, varying from one month to twelve months each.

Collection districts in New York.	Rectifiers.	Retail liquor dealers.	Wholesale liquor dealers.	Manufacturers of stills.	Dealers in leaf tobacco.	Dealers in manufactured tobacco.	Manufacturers of tobacco.	Manufacturers of cigars.	Brewers.	Retail dealers in malt liquors.	Wholesale dealers in malt liquors.	Retail dealers in oleomargarine.	Manufacturers, packers, or repackers of mixed flour.	Bankers.	Billiard tables and bowling alleys.	Brokers, stocks, bonds, etc.	Brokers, commercial.	Brokers, custom-house.	Brokers, pawn.	Proprietors of circuses.	Proprietors of exhibitions not otherwise provided for.	Proprietors of theaters, museums, and concert halls.	Total.
First district.....	42	6,993	87	---	55	8	35	1,607	58	99	91	9	6	68	2,486	47	8	---	34	30	134	20	11,017
Second district.....	163	2,338	446	---	324	43	69	470	4	6	20	1	10	381	1,344	1,273	220	27	---	19	10	7,711	
Third district.....	79	6,037	184	1	153	12	82	1,908	46	85	72	4	4	75	2,107	36	26	1	76	---	66	50	11,114
Fourteenth district.....	24	7,452	82	---	13	15	62	752	71	159	212	---	1	164	2,125	71	43	4	27	2	146	13	11,438
Twenty-first district.....	20	4,405	52	---	67	29	112	660	43	67	127	---	1	182	1,761	63	198	4	43	5	283	33	8,165
Twenty-eighth district.....	38	5,541	75	---	40	35	67	664	62	104	139	---	2	186	2,029	76	106	1	32	---	199	13	9,399
Total.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	59,744

## COLLECTIONS FROM SCHEDULES A AND B OF WAR TAX IN NEW YORK.

## Receipts from each specific source of internal revenue, etc.

Collection districts in New York.	Special taxes not elsewhere enumerated.				
	Bowling alleys, for each alley, \$5.	Circuses, \$100.	Exhibitions not otherwise provided for, \$10.	Theaters, museums, and concert halls, \$100.	Total collections on special taxes not elsewhere enumerated.
First .....	\$2,026.69	\$2,908.32	\$1,208.75	\$1,991.67	\$91,403.46
Second .....	190.41	—	194.18	1,008.33	646,508.89
Third .....	1,751.86	—	515.55	4,891.78	58,637.76
Fourteenth .....	6,017.91	25.00	1,175.89	1,158.33	89,095.85
Twenty-first .....	698.78	283.35	2,404.61	937.51	75,407.38
Twenty-eighth .....	877.10	100.00	1,765.86	1,308.37	73,793.58
Total .....	11,562.75	3,316.67	7,264.82	11,295.99	1,034,754.92

## Receipts from each specific source of internal revenue, etc.—Continued.

Collection districts in New York.	Schedules A and B.		
	Schedule A.	Schedule B.	Total of schedules A and B.
Twenty-first .....	\$322,664.29	\$79,114.55	\$401,778.84
Twenty-eighth .....	501,119.11	224,275.26	725,394.37
Total .....	13,296,287.21	1,642,125.50	14,938,412.71

## Increase of receipts and estimate for current fiscal year by the Commissioner of Internal Revenue:

## RECEIPTS FOR FIRST FOUR MONTHS, CURRENT FISCAL YEAR.

The following table shows the receipts from the several objects of taxation for the first four months of the fiscal years ending June 30, 1899 and 1900. A comparison of the receipts for the two periods is also given:

Objects of taxation.	Amount of tax paid during the first four months of the fiscal year—		Increase.	Decrease.
	1899.	1900.		
SPIRITS.				
Spirits distilled from apples, peaches, grapes, pears, pine-apples, oranges, apricots, berries, and prunes.....	\$436,532.30	\$456,611.41	\$20,079.11	-----
Spirits distilled from materials other than apples, peaches, grapes, pears, pine-apples, oranges, apricots, berries, and prunes.....	27,854,245.00	32,801,622.82	4,950,377.82	-----
Rectifiers (special tax).....	120,357.48	120,945.90	588.42	-----
Retail liquor dealers (special tax).....	2,818,605.90	2,588,313.18	-----	\$230,292.72
Wholesale liquor dealers (special tax).....	258,859.74	251,741.86	-----	7,117.88
Manufacturers of stills (special tax).....	747.95	783.34	35.39	-----
Stills and worms manufactured (special tax).....	880.00	920.00	40.00	-----
Stamps for distilled spirits intended for export.....	743.60	726.30	-----	17.30
Case stamps for distilled spirits bottled in bond.....	4,604.00	4,902.00	298.00	-----
Total.....	31,465,575.97	38,229,566.81	4,733,990.84	-----
TOBACCO.				
Cigars weighing more than 3 pounds per thousand.....	5,234,241.54	6,452,915.40	1,218,673.86	-----
Cigars weighing not more than 3 pounds per thousand.....	170,446.98	254,273.11	83,826.13	-----
Cigarettes weighing not more than 3 pounds per thousand.....	1,437,033.21	1,417,938.20	-----	19,158.01
Cigarettes weighing more than 3 pounds per thousand.....	2,617.34	4,587.26	1,969.92	-----
Snuff.....	369,985.32	646,621.27	276,635.95	-----

## Legacies and distributive shares of personal property.

Collection districts in New York.	Legacies, lineal issue or ancestor, brother or sister.	Legacies, descendant of a brother or sister.	Legacies, brother or sister of the father or mother, or a descendant of a brother or sister of the same.	Legacies, brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the same.	Legacies, any other degree of collateral consanguinity than is hereinbefore stated, or stranger in blood.	Total collections on legacies and distributive shares of personal property.
First .....	\$68,231.04	\$2,066.84	\$542.73	—	\$6,375.97	\$77,216.58
Second .....	—	326.43	—	—	—	326.43
Third .....	20,011.80	1,159.53	280.76	—	25,337.27	46,789.06
Fourteenth .....	72,048.77	5,763.10	861.00	\$16.00	15,171.28	93,890.15
Twenty-first .....	5,618.27	7,265.61	2,054.44	—	4,118.10	19,056.42
Twenty-eighth .....	22,740.65	1,050.25	120.00	—	991.48	24,902.38
Total .....	188,650.23	17,631.76	3,858.93	16.00	51,994.10	282,151.02

## Schedules A and B.

Collection districts in New York.	Schedules A and B.		
	Schedule A.	Schedule B.	Total of schedules A and B.
First .....	\$700,478.89	\$221,945.94	\$922,424.83
Second .....	10,879,922.85	856,049.46	11,735,972.31
Third .....	506,263.54	184,900.52	691,164.06
Fourteenth .....	385,838.53	75,830.77	461,678.30



## RECEIPTS FOR FIRST FOUR MONTHS, CURRENT FISCAL YEAR—continued.

Objects of taxation.	Amount of tax paid during the first four months of the fiscal year—		Increase.	Decrease.
	1899.	1900.		
TOBACCO—continued.				
Tobacco, chewing and smoking	\$7,874,507.17	\$10,927,349.98	\$3,052,842.81	
Dealers in leaf tobacco	45,475.25	41,605.10		\$3,870.15
Dealers in manufactured tobacco	14,424.00	7,018.50		7,405.50
Manufacturers of tobacco	17,593.50	9,264.25		8,329.25
Manufacturers of cigars	212,592.29	113,476.55		99,115.74
Miscellaneous collections relating to tobacco	734,619.63	1,521.59		733,098.04
Total	16,113,599.23	19,876,571.21	3,762,971.98	
FERMENTED LIQUORS.				
Ale, beer, lager beer, porter, and other similar fermented liquors	25,577,398.19	27,574,692.23	1,997,294.04	
Brewers (special tax)	100,341.50	85,629.29		14,712.21
Retail dealers in malt liquors (special tax)	151,891.69	152,057.18	165.49	
Wholesale dealers in malt liquors (special tax)	216,479.34	206,252.94		10,226.40
Additional collections on fermented liquors stored in warehouse, act of June 13, 1898	140,601.26	2,515.36		138,085.90
Total	26,186,711.98	28,021,147.00	1,834,435.02	
OLEOMARGARINE.				
Oleomargarine, domestic and imported	462,429.00	620,689.94	158,260.94	
Manufacturers of oleomargarine (special tax)	7,150.00	6,000.00		1,150.00
Retail dealers in oleomargarine (special tax)	142,376.00	211,382.63	69,006.63	
Wholesale dealers in oleomargarine (special tax)	37,820.00	50,400.00	12,580.00	
Total	649,775.00	888,472.57	238,697.57	
SPECIAL TAXES NOT ELSEWHERE ENUMERATED.				
Bankers, capital not exceeding \$25,000	330,081.67	245,428.09		84,653.58
Bankers, capital exceeding \$25,000	2,991,120.82	2,708,768.63		282,352.19
Billiard rooms	230,204.33	178,411.26		51,793.07
Brokers, stocks, bonds, etc.	208,696.87	156,318.25		52,378.62
Brokers, commercial	113,773.61	75,579.46		38,194.15
Brokers, custom-house	4,379.99	3,407.55		972.44
Brokers, pawn	31,689.23	18,267.55		13,421.68
Bowling alleys	44,155.03	23,946.14		20,208.89
Circuses	15,916.76	9,645.92		6,270.84
Exhibitions not otherwise provided for	40,001.39	52,646.74	12,645.35	
Theaters, museums, and concert halls	44,784.03	39,670.34		5,113.69
Total	4,054,743.73	3,512,089.93		542,653.80
MISCELLANEOUS.				
Schedule A	12,796,973.15	11,968,386.28		828,586.87
Schedule B	2,194,400.80	1,443,011.31		751,389.49
Excise tax on gross receipts	51,263.33	378,174.94	326,911.61	
Legacies	45,209.35	633,641.69	588,432.34	
Playing cards	65,351.34	103,823.94	38,472.60	
Mixed flour	3,875.87	4,303.53	427.66	
Filled cheese	12.00	1,546.46	1,534.46	
Opium		145.25	145.25	
Penalties, etc.	64,825.68	42,461.65		22,364.03
Collections not otherwise herein provided for	2,850.82	142.46		2,717.36
Total	15,224,771.34	14,575,637.51		649,133.83
Aggregate receipts	93,725,177.25	103,103,485.03	9,378,307.78	

## ESTIMATED RECEIPTS FOR THE CURRENT FISCAL YEAR.

From the foregoing tabular statement it will be seen that the receipts from internal revenue for the first four months of the current fiscal year aggregated \$103,103,485.03, and for the same period of the preceding fiscal year the total receipts were \$93,725,177.25, the result being an increase in favor of the current fiscal year of \$9,378,307.78.

While it may be possible that this large ratio of increase will be maintained throughout the fiscal year ending June 30, 1900, I am of the opinion that it will not be wise to anticipate such a result.

Therefore, after giving due weight to the above figures and carefully considering the conditions of general prosperity which prevail throughout the commercial interests affected by internal taxation, I am constrained to estimate that the receipts from all sources of internal revenue for the current fiscal year will approximate \$285,000,000.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia [Mr. BARTLETT] to strike out all of section 269.

The motion was agreed to.

Mr. WARNER. By direction of the committee, I withdraw

the committee amendment on page 141, to strike out section 271, in relation to homesteads, and move the adoption of the section as sent over to us by the Senate, as it appears in the printed bill.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as section 271 the following:

"SEC. 271. The homestead of any family, or the proceeds thereof, shall be exempt from judicial sale for the satisfaction of any liability hereafter contracted or for the satisfaction of any judgment hereafter obtained on such debt. Such homestead must be the actual abode of and owned by such family or some members thereof. It shall not exceed \$2,500 in value, nor exceed 160 acres in extent if not located in a town or city laid off into blocks or lots, or if located in any such town or city, then it shall not exceed one-fourth of 1 acre. This act shall not apply to decrees for the foreclosure of any mortgage properly executed; but if the owners of such homestead be married, then it shall be executed by husband and wife. When any officer shall levy upon such homestead, the owner thereof, or the wife, husband, agent, or attorney of such owner may notify such officer that he claims such premises as his homestead, describing the same by metes and bounds, lot or block, or legal subdivision of the United States, whereupon such officer shall notify the creditor of such claim, and if such homestead shall exceed the minimum in this section, and he deem it of greater value than \$2,500, then he may direct the marshal to select three disinterested persons, who shall examine and appraise such homestead, under oath, commencing with the 20 acres of lot upon which the dwelling is located, appraising each lot or 20 acres separately; and if the same exceed \$2,500, then the marshal shall proceed to sell all in excess of \$2,500 by lots or smallest legal subdivisions, offering them in the order directed by the judgment debtor, if he chooses to direct; otherwise he shall sell the same as aforesaid so as to leave the homestead as compact as possible. The homestead aforesaid shall be exempt from sale or any legal process after the death of the person entitled thereto for the collection of any debts for which the same could not have been sold during his lifetime.

Mr. WARNER. I notice an error in line 20 on page 142, in the amendment as printed, where the word "minimum" is used, when it should be "maximum." I move as an amendment to the amendment that the word "minimum," in line 20 on page 142, be stricken out and the word "maximum" be inserted in lieu thereof.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that the committee have already stricken out section 271.

Mr. WARNER. It has been stricken out, but I was authorized to withdraw our amendment to strike out that section and to move to reestablish it as a part of the bill. Now I propose that amendment. But I want the word "minimum" changed to "maximum," in line 20, page 142.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to rescind the action of the committee striking out all of section 271, commencing on page 141, and to reinstate the section with an amendment. Is there objection?

There was no objection.

Mr. WARNER. Now I move the amendment which I have suggested.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out "minimum," in line 20, page 142, and insert in lieu thereof "maximum."

The amendment to the amendment was agreed to.

Mr. WARNER. Now, Mr. Chairman, I offer section 271 as just amended.

Mr. BELL. Mr. Chairman, I desire to offer an amendment to that amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment which the Clerk will report.

Mr. BELL. I should like the House to hear this amendment.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. S. A. DAVENPORT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had insisted upon its amendments to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

## CIVIL CODE FOR ALASKA.

The committee resumed its session.

The Clerk read as follows:

Amend section 271 by adding thereto the following:

"To entitle any person to the benefit of this act he shall cause the word 'homestead' to be entered of record in the margin of his recorded title to the same, which marginal entry shall be signed by the owner making such entry, and attested by the clerk and recorder of the county in which the premises in question are situated, together with the date and time of day upon which such marginal entry was made."

Mr. BELL. Does the gentleman from Illinois accept that?

Mr. WARNER. I should like to hear it again.

The CHAIRMAN. Without objection, the Clerk will again report it.

Mr. BELL. I want to state the reason for it, if there is any doubt about it.

The amendment was again reported.



Mr. WARNER. I have no objection to that.

Mr. GIBSON. Instead of saying "the benefit of the act," I suggest to the gentleman that he say "section."

Mr. BELL. At the suggestion of the gentleman I will change the word "act" to "section."

The CHAIRMAN. The Clerk will make the change as suggested by the gentleman from Colorado.

Mr. LACEY. I do not think the gentleman from Colorado wants this amendment when he comes to understand it.

Mr. BELL. Yes; I do.

Mr. LACEY. This is a proposition to divide the district of Alaska into three subdivisions. Now, if a man wants to have a homestead and claims his homestead right, he must go to the place of record in person and there sign, in the margin of the record, the claim that it is a homestead—a very unusual proceeding, and one of very great difficulty in Alaska, where perhaps a man may have to go by dog sled 500 miles in order to write his name in the margin of the record in order to claim a homestead in the glaciers of Alaska.

Mr. BELL. Now, I wish to suggest to the gentleman that the necessity for this particular section comes from the fact that in a mountainous country like Alaska you will find your people will have a residence in the country, in the mining camps, in the summer, and they will have to go to the little towns in the winter; and if you do not have it entered in the margin of the record that they claim these places as homesteads, you will have interminable litigation.

Mr. LACEY. But it ought not to be necessary to sign in the margin.

Mr. BELL. Originally we adopted the statutes of Illinois, and our men in the mountains would live at Capital City, or wherever their claim was, and they would go to the settlements for school purposes for a few months in the winter. Some fellow would live on the homestead, not knowing they claimed it, and it proved to be very troublesome. This section is the same as the statute of Colorado, which works to perfect satisfaction. It is to the benefit of those people. Everybody will have notice under that clause that they live there in the winter and that the homestead is not abandoned.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment to strike out all of section 271 as amended.

Mr. WARNER. No; to adopt section 271 as printed in the bill. I ask unanimous consent that the committee amendments to section 271 be withdrawn.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the committee amendments to section 271 be withdrawn. Is there objection? [After a pause.] The Chair hears none.

Mr. WARNER. Now I think we should recur to the chapter on contempt. I want to take it up.

Mr. BELL. I move to recur to section 231 for the purpose of offering the amendment that I submitted to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Colorado asks to return to section 231, so as to offer the amendment which the Clerk will read.

The Clerk read as follows:

Amend section 231 to read as follows:

"SEC. 231. All questions of fact other than those mentioned in section 232 shall be decided by the jury, and all evidence thereon addressed to them: *Provided*, The president, secretary, director, agent, general manager, superintendent, assistant superintendent, foreman, middleman, boss, shift boss, pit boss, chute boss, car boss, assistant or subforeman, section boss, captain, mate, or any person acting in the place of such persons, or any person by whatsoever title known who has the authority to direct the work or control the movements of any employee, shall be deemed to be the vice-principal of the master or employer, and shall never be deemed to be the fellow-servant of the employee, and the acts of omission or commission of such persons shall be deemed to be those of the master, and in all damage cases for personal injury or death the court shall read this section to the jury as a part of its instructions without further attempting to define who is a vice-principal or fellow-servant: *Provided further*, That the defenses of contributory negligence and negligence of fellow-servants in such damage cases must be affirmatively plead and proved to be available."

Mr. DRIGGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Colorado has the floor.

Mr. BELL. I desire to have a letter read from a leading lawyer in Alaska on that matter.

Mr. MAHON. Mr. Chairman, does the gentleman ask to recur to this by unanimous consent?

The CHAIRMAN. It does not require unanimous consent. It was passed by the committee.

Mr. MAHON. Is it a committee amendment?

The CHAIRMAN. The section was passed without prejudice.

Mr. WARNER. I make the point of order upon that amendment. It is not germane to the section or chapter.

Mr. BELL. Will you not reserve the point of order until this letter can be read?

Mr. WARNER. There are letters on the other side, and I make the point of order against it.

Mr. BELL. Now, Mr. Chairman, I contest the point of order. The CHAIRMAN. The Chair will hear the gentleman from Colorado on the point of order.

Mr. BELL. Now, on my point of order, I desire to have that letter read.

The CHAIRMAN. The Chair will state to the gentleman from Colorado that the letter can not be read on the point of order. The Chair will hear the gentleman on the point of order.

Mr. BELL. It is applicable to the section.

Mr. WARNER. I raise the point of order on the amendment.

Mr. BELL. Now, Mr. Chairman, this section is as follows:

All questions of fact other than those mentioned in section 232 shall be decided by the jury and all evidence thereon addressed to them.

Now, this simply extends it and states who shall be the vice-principal in the matter of personal injury, and asks that this question, too, shall be submitted to the jury, and that the jury shall pass upon such questions in common with it. I do not see why it is not applicable. It makes a complete section. It is copied right into mine, and goes on to say what shall be submitted to the jury, and what the jury shall pass upon. The object of the section is stated and mine simply extends it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DRIGGS. Mr. Chairman, I desire to address the House not in direct connection with the subject-matter of the bill.

Mr. WARNER. Will not the gentleman defer his remarks until we take up the next chapter on contempt and dispose of that?

Mr. DRIGGS. If the gentleman from Illinois will agree to let me have the time.

Mr. WARNER. How much time does the gentleman from New York want?

Mr. DRIGGS. Not more than five or ten minutes.

Mr. WARNER. Certainly I will.

Mr. DRIGGS. Then I will defer my remarks until that is disposed of.

Mr. WARNER. Now, Mr. Chairman, recurring to chapter 58, providing for punishment for contempt, which was passed, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 606, page 290, by adding the following, line 7:  
"In other cases of contempt the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him, but such trial shall be by the court or, in the direction of the court, upon application of the accused, a trial by jury may be had, as in any criminal case."

Mr. WARNER. I move the adoption of the amendment.

Mr. BARTLETT. The gentleman from Illinois understands, and so does the committee, and the record shows, that there is pending already an amendment which I offered relating to trials for contempt.

Mr. WARNER. Was the amendment read and offered?

Mr. BARTLETT. Yes; it is pending.

Mr. WARNER. Then I move that as a substitute for your entire amendment, because I believe it reaches your idea.

Mr. BARTLETT. May I ask the gentleman from Illinois if he will consent that a certain length of time may be had for debate upon this amendment—say thirty minutes on this side of the House, and what you please on the other?

Mr. WARNER. I am willing.

Mr. BARTLETT. Then I ask unanimous consent, Mr. Chairman, that we have thirty minutes on this side, on the gentleman's amendment and mine, and that I may control the time on this side.

Mr. WARNER. I agree to the time, but I do not agree to the gentleman's amendment.

Mr. BARTLETT. I understand that.

Mr. WARNER. How much time does the gentleman want?

Mr. BARTLETT. The gentleman from Illinois did not understand me. I ask unanimous consent that we may have thirty minutes on this side to discuss the pending amendment—my amendment and the gentleman's substitute, as they both embrace the same subject-matter—and that I may control the time on this side.

Mr. WARNER. Will not ten minutes be long enough?

Mr. BARTLETT. I think not. I think the gentleman will save time to agree that the debate on this side shall end in thirty minutes.

Mr. WARNER. Will the gentleman agree to close debate after thirty minutes on a side?

Mr. BARTLETT. Yes.

Mr. WARNER. Debate to be closed in one hour, thirty minutes on a side.

Mr. BARTLETT. Yes.



The CHAIRMAN. The Clerk states that he does not readily find the gentleman's amendment to which he refers.

Mr. BARTLETT. It is printed in the RECORD.

Mr. LLOYD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LLOYD. Is not a committee amendment first to be considered?

The CHAIRMAN. It is.

Mr. LLOYD. The chairman of the committee, the gentleman from Illinois, offers a committee amendment.

Mr. JETT. He offered it as a substitute.

The CHAIRMAN. The Chair understands the amendment offered by the gentleman from Georgia is an amendment to the committee amendment. Is that correct?

Mr. LLOYD. The parliamentary situation, as I understand it, Mr. Chairman, is this: The gentleman from Georgia offers an amendment to a certain section on the chapter with reference to contempt. The gentleman from Illinois, chairman of the committee, offers an amendment to another section of the chapter on contempt. It seems to me that the committee amendment is the first to be considered.

The CHAIRMAN. The first question is on the committee amendment.

Mr. BARTLETT. What is the committee amendment?

The CHAIRMAN. Without objection, the Clerk will report again the committee amendment.

The Clerk again read the amendment offered by Mr. WARNER.

The CHAIRMAN. The question is on the committee amendment.

Mr. BARTLETT. I understood the gentleman from Illinois to say that he offered this as a substitute to my amendment.

Mr. WARNER. As a substitute.

Mr. BARTLETT. That being true, they ought to be considered together.

Mr. LLOYD. The parliamentary situation is not exactly stated as I understand it. I would like to have the attention of the chairman of the committee. He was authorized by the committee to present the committee amendment. He offered to do so. The gentleman from Georgia rose to his feet and said that he had offered an amendment, and insisted that the chairman of the committee should not offer his. But, as I understand the parliamentary situation, the gentleman from Illinois could and should have offered this amendment, as he asked to do, committee amendments by custom having preference.

Mr. WARNER. The gentleman from Georgia had offered his amendment on Saturday. It appears in the RECORD. It was an amendment to the entire chapter. When I discovered that fact, which I had forgotten, I asked that what I had offered as an amendment might be taken as a substitute for the gentleman's amendment, because I think it covers the entire ground sought to be covered by him. The question should now be on adopting the substitute.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that, as the Chair understands, the amendments are separate and entirely distinct, and that the question is first on the committee amendment, which has no relation whatever to the amendment of the gentleman from Georgia.

Mr. WARNER. The gentleman can bring up his amendment after that of the committee is adopted or voted down.

Mr. BARTLETT. They are very much alike; and I would be glad to discuss them before we vote upon them.

Mr. LOUD. There would be no objection to allowing both to be pending by unanimous consent.

Mr. BARTLETT. It does not require unanimous consent; for my amendment is already pending.

The CHAIRMAN. The question is on the committee amendment.

Mr. BARTLETT. Then I ask unanimous consent that the amendments be now discussed and that there be thirty minutes' debate on each side.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that thirty minutes on each side be allowed for discussion of the two amendments pending. Is there objection? The Chair hears none.

Mr. BARTLETT. Now I ask the Clerk to read my amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Georgia.

The Clerk read as follows:

Amend by inserting, on page 288, before line 1, the following:

"That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed.

"SEC. 2. That contempts committed during the sitting of the court, or of a judge at chambers, in its or his presence or so near thereto as to obstruct the administration of justice, are direct contempts. All other are indirect contempts.

"SEC. 3. That a direct contempt may be punished summarily without written accusation against the person arraigned, but if the court shall adjudge him guilty thereof a judgment shall be entered of record in which shall be specified the conduct constituting such contempt, with a statement of what-

ever defense or extenuation the accused offered thereto and the sentence of the court thereon.

"SEC. 4. That upon the return of an officer on process or an affidavit duly filed, showing any person guilty of indirect contempt, a writ of attachment or other lawful process may issue, and such person be arrested and brought before the court; and thereupon a written accusation, setting forth succinctly and clearly the facts alleged to constitute such contempt, shall be filed and the accused required to answer the same, by an order which shall fix the time therefor, and also the time and place for hearing the matter; and the court may, on proper showing, extend the time so as to give the accused a reasonable opportunity to purge himself of such contempt. After the answer of the accused, or if he refuse or fail to answer, the court may proceed at the time so fixed to hear and determine such accusation upon such testimony as shall be produced. If the accused answer, the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him; but such trial shall be by the court, or, in its discretion, upon application of the accused, a trial by jury may be had as in any criminal case. If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment.

"SEC. 5. That the testimony taken on the trial of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court, and affirmed, reversed, or modified, as justice may require. Upon allowance of an appeal or writ of error execution of the judgment shall be stayed, upon the giving of such bond as may be required by the court or a judge thereof, or by any justice of the Supreme Court."

Mr. BARTLETT. Mr. Chairman, I understand that I have thirty minutes. If the amendment which I offer to the beginning of this chapter be adopted, it will dispense with all the other provisions of this chapter. The amendment offered by the committee does not propose to strike out the other sections, but simply proposes to insert at the end of line 7, page 290, the amendment which is offered and which reads:

In other cases of contempt the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him, but such trial shall be by the court, or, in the direction of the court, upon application of the accused, a trial by jury may be had, as in any criminal case.

The amendment I offer defines what are direct and indirect contempts and provides for a jury trial in all cases except those committed in the presence of the court or so near thereto as to obstruct the administration of justice.

Now, Mr. Chairman, neither the committee nor any member of the committee suggested any provision granting the right of jury trial in cases of contempt not committed in the presence of the court, until on the reading of this part of the bill I offered this amendment. But, be that as it may, whoever suggested the provision, it is a good one and ought to be adopted.

The amendment which I have offered to this section, Mr. Chairman, is the Senate bill passed by that body June 10, 1896. It was reported from the Senate committee over which at that time presided the senior Senator from Massachusetts [Mr. HOAR]. It was reported by the then Senator from New York [Mr. HILL], upon investigation, after a resolution had been offered in the Senate and referred to the Judiciary Committee of the Senate, instructing them to inquire and report such bill as they might deem suitable to meet the difficulties and oppression and wrong that existed in the United States courts when men were arraigned charged with contempt, in having violated injunctions of the courts, to give to such accused persons the right of trial by jury.

This bill was reported early in May, 1896. It was discussed before the Senate of the United States on various occasions by Senator Hill and other Senators; and no one in that body ever raised his voice against it except the Senator from Connecticut [Mr. PLATT] and the Senator from Oregon [Mr. MITCHELL]. Finally, on the 10th day of June, 1896, this bill which I have offered as an amendment to the proposition now pending was adopted by the Senate of the United States without division. So far as the record of the Senate is concerned, no one appears to have voted against it; and no one ever opposed it upon the floor of the Senate except, as I have said, the Senator from Oregon and the Senator from Connecticut.

When the Democratic convention met at Chicago in 1896, it declared in favor of the bill to which I have called attention, in this language:

We denounce arbitrary interference by Federal authority in local affairs as a violation of the Constitution of the United States and a crime against free institutions, and we especially object to government by injunction as a new and highly dangerous form of oppression, by which Federal judges, in contempt of the laws of the United States and rights of the citizen, become legislators, judges, and executioners, and we approve of the bill passed at the last session of the United States Senate and now pending in the House of Representatives, relative to contempts of court, providing for trials by jury in certain cases of contempt.

That action of the Democratic party was heralded from the stump in the subsequent campaign by many Republicans and others who opposed the Democratic nominee as being a plank for "free riot" and "an assault upon the courts." And yet the very bill which the Senate Judiciary Committee reported and indorsed and the passage of which it asked had, on the 10th of June, 1896, passed the Senate of the United States without a division, and had received the approval of every Democratic Senator there, and had been opposed by only two Republican Senators. It was reported from the committee presided over by the distinguished Senator from Massachusetts [Mr. HOAR], advocated by the Senator from



New York [Mr. HILL] time and time again upon the floor of the Senate, and but two Senators, Republican or otherwise, raised their voices against it.

It is this bill, thus passed by the Senate of the United States, thus advocated almost unanimously by the Senate of the United States, thus approved by the Democratic convention of Chicago in 1896, which I have presented as an amendment to this bill and asked that it be adopted. It does not meet the demands of justice in every particular, but is far better than the present law. It provides that in all cases of contempt, excepting direct contempts committed in the presence of the court, or so near thereto as to interfere with the administration of justice; that in cases of contempt arising from violation of decrees and orders of the court, or contempts for alleged violations of injunctions of the court, that in all those cases the citizen of the United States when he is brought before the court shall have the right to have 12 jurymen—12 of his peers—determine whether the facts alleged in this quasi criminal proceeding are true. When it is amended so as to strike out the words "in his discretion," it will give the accused the absolute right of jury trial if he demands one. The country is familiar with instances where injunctions have been granted by Federal judges in aid of corporate wealth and corporate power, where the dearest rights of the citizen—the right to travel the highway, the right to assemble and discuss grievances and means of remedying them—have been interfered with by this unheard of, unusual, extraordinary use of the power of injunction by Federal judges. I have read a number of these cases, and will cite some of them.

Mr. Chairman, I am not in love with the Federal judiciary or the power exercised by it. I am one of those who believe, with Jefferson, "that the judiciary of the United States is the subtle corps of sappers and miners, constantly working underground to undermine the foundations of our constitutional fabric." I am convinced that if the power which they seize here and exercise there is permitted to be extended, or if not curtailed, the danger to our institutions is great. I would not extend one whit or one particle the power of the Federal courts in contempt or other proceedings. I am therefore, Mr. Chairman, deeply impressed and convinced that no man should be permitted to be tried, convicted, sentenced to jail or otherwise punished at the discretion of any one man, in the exercise of the autocratic power of a judge, for alleged contempt, not committed in the presence of the court, until a jury shall pass upon his case. So I have seized upon this opportunity, at least, to engraft this provision upon the law which we propose now to enact for Alaska, in order that the people there may not suffer the wrongs which the people of the United States have endured in the trial of contempt cases in the Federal courts. I hope sooner or later to engraft it upon the statute books for the whole Union. While I have not yet been able to do that, I hope at least that the people in this new, thriving, and I hope to be great Territory, and finally a great State of this Union, may in the laws which we are now proceeding to enact for them have the right of trial by jury in cases of this sort.

Mr. LINNEY. Will the gentleman allow me to interrupt him?

Mr. BARTLETT. Yes.

Mr. LINNEY. What part of your amendment guarantees to anyone the right of trial by jury for contempt?

Mr. BARTLETT. The amendment which says that the judge may, in his discretion, allow a trial by jury.

Mr. LINNEY. Well, Mr. Chairman—

Mr. BARTLETT. Now, wait. I want to say to the gentleman that I am ready now to vote for a motion to strike out the part which I think the gentleman has in mind. I offered this amendment because I thought—having passed the Senate in 1896—we might at least take one step forward in the right direction to secure a trial by jury for people charged with criminal contempt.

Mr. LINNEY. In all cases?

Mr. BARTLETT. No; only those cases of contempt not committed in the presence of the court.

Now, Mr. Chairman, I hope I may be pardoned for calling attention to the fact that in the Fifty-fifth Congress I introduced a bill looking to the enactment of a law which would provide, in all the courts of the United States, for trial by jury in cases of contempt not committed in the presence of the court. I hold in my hand a copy of the bill introduced in that session, and of the same bill introduced the first day I was able to be present in this session, which I will print in the RECORD. This bill, in my judgment, if passed, will give the relief so earnestly and justly demanded by the labor organizations of the country, and prevent the perpetuation of "government by injunction," so strongly denounced by the Democratic party in its platform of 1896. The bill introduced by me has been before the Judiciary Committee of the House all during the Fifty-fifth Congress and this session, but it seems to have been buried there without any hope of resurrection. I shall not, however, despair. I shall urge its passage as long as I remain in Congress, and when we have a Democratic House, as I believe we shall in the Fifty-seventh Congress, there will be no further doubt of its passage.

The bill referred to is as follows:

A bill (H. R. 4916) to regulate the trial of contempts of courts.

*Be it enacted, etc.,* That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed.

SEC. 2. That contempts committed during the sitting of the court or of a judge at chambers, in its or his presence, or so near thereto as to obstruct the administration of justice, are direct contempts. All others are indirect contempts.

SEC. 3. That a direct contempt may be punished summarily without written accusation against the person arraigned, but if the court shall adjudge him guilty thereof, a judgment shall be entered of record, in which shall be specified the conduct constituting such contempt, with a statement of whatever defense or extenuation the accused offered thereto, and the sentence of the court thereon. But in all other cases of contempt of court than those provided for in this section the accused shall have the right of trial by jury, and upon his demand to be tried by a jury a trial by jury shall be had as in a criminal case.

SEC. 4. That upon the return of an officer on process, or an affidavit duly filed, showing any person guilty of indirect contempt, a writ of attachment or other lawful process may issue and such person be arrested and brought before the court; and thereupon a written accusation setting forth succinctly and clearly the facts alleged to constitute such contempt shall be filed and the accused required to answer the same, by an order which shall fix the time thereof and also the time and place for hearing the matter; and the court may, on proper showing, extend the time so as to give the accused a reasonable opportunity to purge himself of such contempt. But pending the trial, and until the final trial and termination of the case, the accused shall be admitted to bail in such sum as the court may direct. After the answer of the accused, or if he refuse or fail to answer, the court may proceed at the time so fixed to hear and determine such accusation upon such testimony as shall be produced. If the accused answer, the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him. A trial by jury shall be had as in any criminal case, unless the accused shall, in writing, waive a jury, and in that case such trial shall be by the court. If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment.

SEC. 5. That the testimony taken on the trial of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court, and affirmed, reversed, or modified, as justice may require. Upon allowance of an appeal or writ of error, execution of the judgment shall be stayed upon the giving of such bond as may be required by the court or a judge thereof or by any justice of the Supreme Court.

SEC. 6. That the provisions of this act shall apply to all proceedings for contempt in all courts of the United States except the Supreme Court.

Mr. Chairman, although this amendment which I have offered may be imperfect, and although it might be improved by further amendment, it is a step in the right direction, in the line of the action already taken by the United States Senate in 1896. It in some measure answers the appeals of labor, and in answer to the demand of that great convention which met in 1896, and which was, amongst other things placed in that second great declaration of independence, known as the "Chicago platform of 1896," a ringing protest against "government by injunction" and a demand for jury trials. [Applause on the Democratic side.]

I will not take further time, Mr. Chairman, except to say that I feel earnestly about this matter. I do not believe that any man, I care not whether he be an humble laborer or whatever may be his class or condition in life, should be tried for an offense the punishment for which takes away from him his liberty and subjects him to almost limitless fine, in the discretion of one man, unless his case be submitted to a jury of his peers. I do not believe that should be permitted. I believe that in a quasi criminal case in the nature of a contempt not committed in the presence of the court, in a case of what we call constructive contempt, as well as in the case of a man charged with any other misdemeanor or felony, he should be permitted to face the witnesses who charge him with the violation of law, should be permitted to select and submit to twelve jurors of his countrymen, his peers, the question to be determined; should be permitted to appeal to that great institution which is the palladium of the liberties of all English-speaking people, which has been preserved in England and in this country down to this day by the blood of our ancestors.

I believe that no occasion should be permitted to pass by those who believe in the perpetuation of free institutions and the liberties of the people without undertaking to ingraft upon the laws of the country the right of the citizen, whenever he is charged with crime, whenever his liberty is sought to be taken away from him, whenever severe penalties and fines are sought to be put upon him, that the question shall be submitted to a tribunal, the right to which has been preserved by blood and battle through the generations and handed down to us by our forefathers. I believe no opportunity should be permitted to pass by those who love our institutions, by those who love the liberties of the people, to curb the power of Federal judges and to give the common people of this country the right to have their cases tried by a jury of their peers. [Applause on the Democratic side.]

I reserve the balance of my time.

Mr. WARNER. Mr. Chairman, that part of the gentleman's amendment which seeks in certain cases to provide for trial by jury in proceedings for contempt is unobjectionable, and it is embodied in the committee amendment which has been offered. The language of the committee amendment is identical with that part of the gentleman's amendment. But aside from that the gentleman's amendment is dangerous and vicious, and gives the



power to a judge to do exactly that which the gentleman from Georgia declaims against. It extends and makes unlimited and absolute the power of the judge in contempt cases, while the bill as it stands limits his power to specified cases.

Mr. BARTLETT. I have stated that I proposed to strike out the words which give the judge discretion.

Mr. WARNER. I have gone beyond that. I have gone back to the body of the gentleman's amendment. Let us see what the amendment provides. If there is anything that should be de-claimed against it is this amendment. It starts out by saying:

Amend by inserting on page 288 and before line 1 the following:  
"That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed."

He does not attempt to define what contempt is, but leaves it absolutely at the discretion of the judge. The judge may declare anything to be contempt, and there is no appeal from that decision.

His decision is conclusive, and that is an end of it; and his amendment gives him complete power. Let us see what the original bill does. The gentleman should have directed his criticism and declamation against the amendment and not against the bill when he is defending the rights of the common people. The bill says:

The following acts or omissions in respect to a court of justice or matters therein are deemed to be contempt under the authority of the court.

And then goes on and specifies twelve, and only twelve, and it is not on all of these twelve that the court can have a man arrested, prosecuted, and punished for contempt. Yet under the gentleman's amendment the bars are let down, and it is within the discretion of the court to declare anything contempt, no difference what it be, so it displeases him.

Mr. BARTLETT. The gentleman is mistaken about the amendment.

Mr. WARNER. You can read it and gentlemen here can read it, and no one can state in what part of your amendment contempt is defined. You do not limit it in any way, but leave it entirely within the discretion of the court.

Mr. BARTLETT. I beg your pardon.

Mr. WARNER. The gentleman can correct me. Where do you define it?

Mr. BARTLETT. In section 2.

Mr. WARNER (reading)—

That contempts committed during the sitting of the court or of a judge in chambers, in its or his presence or so near thereto as to obstruct the administration of justice are direct contempt.

Mr. BARTLETT. Direct contempt.

Mr. WARNER (reading)—

All other are indirect contempts.

He does not say what shall be contempt by his amendment. He leaves that to the judge as to what he shall construe to be contempt—

Mr. BARTLETT. Oh, no.

Mr. WARNER (continuing). And decide to be contempt; while the original bill specifies explicitly what shall be contempt and nothing else can be; and therefore I say that his amendment is dangerous, because it gives absolute power to the judge to consider what he chooses contempt because it may displease him.

Mr. LENTZ. Will the gentleman permit an inquiry?

Mr. WARNER. Yes.

Mr. LENTZ. Is it not dangerous even to specify twelve, ten, or any other number of contempts which can be committed not in the presence of the court? Is it not better to leave questions of this character to the discretion of the court, based upon decisions of many generations, like the question of fraud? We do not undertake to define fraud. There should not be twelve grounds of contempt. Those committed in the presence of the court alone are contempts direct, and only those should be provided for.

Mr. WARNER. I beg the gentleman's pardon. These are not all direct; some of them are outside the presence of the court.

Mr. LENTZ. It seems to me no contempt outside the presence of the court should be stated unless in the immediate vicinity of the court, so that it interferes with the court.

Mr. WARNER. I think it is proper to allow trials on contempt committed not in the presence of the court, and to place it within the discretion of the court to submit the question of fact to a jury; but I am in favor, up in that country, of giving the judge almost absolute power to protect his court, maintain its dignity, and enforce its process.

In this civil part of the government the governor and the judiciary in Alaska are almost the entire power to secure the peace and quiet of the people and the protection of their property. That is left entirely to these officers, and it will not do to allow the question as to whether a man has been guilty of contempt in violating an order of the court to be tried by a jury of his fellows, where a court has issued its process, or has issued writs of possession, and has decreed for one person over another, and yet the parties in possession or any of those up there shall, when violating that

order of a judge, that decree, or whatever you may call it, disregard the orders of the court, and all that they would have to do would be to appeal to a jury of their fellows to have them tried to decide whether there had been a contempt of court in violating or refusing to obey its process.

I am of opinion in that country the court should have greater power than it has down in the States or the District of Columbia, and for that reason, while it is not embodied in this bill, I would be in favor of giving the courts almost absolute power, and not allowing anyone to interfere with them, to overrule their decisions or rendering of naught their judgments and decrees; and under the bill as it stands, with the amendment proposed by the committee, everything is protected. There may be a trial by jury, as the gentleman from Georgia proposes in his amendment. We go further than his amendment by specifying what shall be considered a contempt and nothing else can be. Furthermore, the original chapter provides for an appeal in every case by the person who may feel himself aggrieved.

Mr. LACEY rose.

The CHAIRMAN (Mr. S. A. DAVENPORT). Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. WARNER. I will.

Mr. LACEY. In the case the gentleman suggests, suppose you are going to try a case of contempt by jury, who would be eligible for jurymen? Would they have to be residents, legal voters, men who made their homes there permanently, or would the floating citizen, the man who comes there simply for mining purposes, be eligible to sit on the jury?

Mr. WARNER. The jury law specifies the qualifications of juror—any male person above the age of 21 years—

Mr. LACEY. If his residence is temporary?

Mr. WARNER (continuing). If a resident, can sit on the jury.

Mr. LACEY. Would not the result be that you would have a jury of squaw men, while the men from Colorado, from Georgia, who had left their families behind them and were only there temporarily, would not be eligible?

Mr. WARNER. If they claimed that as their residence, it would be immaterial whether they left their families behind them or not; they would be eligible. If the man is a resident, it is immaterial where his family is. I admit that the majority of the white men there are transients. They are there for a temporary purpose, to get what gold they can, and then intend to go back to their families; and, as the gentleman from Iowa says, we should have to take the class of jurors which he mentioned; but that is immaterial. It is suggested that you can have a jury in certain cases identical with those which the amendment of the gentleman from Georgia provides for; but the amendment reported by the committee goes further than the amendment of the gentleman from Georgia, and limits the power and discretion of the judge as to what a contempt shall be, as to what he shall consider a contempt, while the amendment of the gentleman from Georgia does not do that; and for that reason I think the original bill with the proposed amendment is much preferable to the amendment proposed by the gentleman from Georgia.

Mr. LENTZ. Will the gentleman from Illinois consent to striking out the word "discretion?" Why should not a man have, as a matter of right, a trial by jury, and not in the discretion of the judge?

Mr. WARNER. I can not consent to that for the simple reason that, so far as I can prevent it, I do not propose to let a jury pass upon a question of law and fact where the honor and dignity and power of the court and the peace and safety of the community and protection of property are involved. The court, in my judgment, should have absolute power to declare what is a contempt of it. Although I have consented to have this amendment go in, I am of the opinion that the court should have absolute power to protect itself, and if the court fails to do its duty it is subject to question, and can be impeached and prosecuted and removed.

These are not elective officers; they are appointed by the President of the United States, and can be removed at any time for misconduct in office, and I believe in strengthening their hands instead of weakening them. The whole peace, quiet, safety, the protection of life and property up there, depend upon the strength and power and ability and honesty of these judges, and I would not be in favor of crippling them in the least. For that reason I am of the opinion that the original chapter with the proposed committee amendment should be passed.

I now yield to the gentleman from Wisconsin [Mr. DAVIDSON].

[Mr. DAVIDSON addressed the committee. See Appendix.]

Mr. WARNER. I now yield such time as he may want to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Chairman, this question is of more interest than I had any idea it was until I investigated it. The distinguished gentleman from Ohio [Mr. LENTZ] made a suggestion a while ago that it would be best to strike out the word "discre-



tion" that the judge has in the amendment offered by the gentleman from Georgia.

Mr. LENTZ. As well as in the amendment offered by the gentleman from Illinois.

Mr. LINNEY. Yes. Now, if my friend will think, he will see that that can not be done without impairing the integrity and efficiency of the courts. That idea has been well presented, better than I can present it, by one of the ablest judges that ever sat on the supreme bench in my State, in case of *Ex parte David Schenck*, a contempt proceeding:

Courts of justice are established by the Constitution, and are vested with certain inherent powers, which are essential to their existence, and of which they can not be deprived by the legislature. Their province is to construe existing laws and to administer justice, and they must necessarily have the power by summary remedies to preserve order during their sessions, control the action of their officers, and enforce their mandates and decrees.

If the court could be deprived by the legislature of these powers, which are essential in the direct administration of justice, they would be destroyed for all efficient and useful purposes.

The Government is composed of three coordinate branches, and the Constitution wisely declares that "the legislative, Executive, and supreme judicial powers of the Government ought to be forever separate and distinct from each other."

Mr. LENTZ. Of course we agree with reference to the first two specifications; but as to the third specification, with reference to the violation of the mandatory decree of the court in the presence of the court, that immediately becomes a question of fact, and I fail to see why we should leave that to be determined by the mind of the judge alone. Whether a man has violated, for instance, an order of the court a mile away or 10 miles away is a question of fact that ought to be submitted to a jury.

Mr. LINNEY. I understand the gentleman; I see his point; it is this: That all cases of direct contempt ought to be decided by the court, and all cases of constructive contempt by a jury. I say that is absolutely impracticable; would destroy the efficiency of the courts, and in my opinion would be unconstitutional and void. Let me see whether I can prove that proposition. Before going into that matter, however, I want to read the statement of the remedy which this judge suggests in the case of arbitrary action of the court in passing upon these matters of contempt. Here is the remedy:

If a judge refused to perform his duty or acted in defiance of established facts, he would not only meet the indignant condemnation of public opinion, but he would be answerable at the bar of the high court of impeachment. The recent act above referred to does not take away any of the inherent powers of the courts, which are absolutely essential in the administration of justice.

Now, let us take a case of constructive contempt. Suppose a judgment is rendered in a suit between parties, and a recovery is had by the plaintiff, for instance, of property the value of which consists largely in its present personal use. Take, for instance, a mica mine in my State. Such a mine may be exhausted in thirty days. It may be worth a thousand dollars or it may be worth a million dollars. A suit is had between the parties, and an order is regularly made by the court for the appointment of a receiver, so that injury can not be done to anyone pending the litigation.

In a legal sense that property goes into the possession of the court. Suppose, after the order is issued that the property be turned over into the hands of a receiver, the defendant refuses to turn over the property? That is a case of constructive contempt; it is not committed in the presence of the court; the disobedience of the court's order is indirect; in other words, it is a constructive contempt. The entire property, we will suppose, would be exhausted before a jury trial could be had, so that the proceedings of the court would be rendered absolutely futile. Would the gentleman contend in that case that these proceedings should be stayed until a jury of twelve men could be summoned or until the next term of court, which usually would not come around for six months, and that then a jury should be impaneled to try the question in that case of constructive or consequential contempt, as Judge Pearson called it in one of these cases from North Carolina, by which time the entire property would be exhausted and the proceedings in court not worth a cent? That I understand to be the position taken here by one of the ablest lawyers on the floor of this House, the gentleman from Ohio. Certainly he has not considered the matter correctly.

Let me give another illustration. Take a case where a decree is made for the reexecution of a paper—a deed, for instance. Suppose a party to a suit is ordered by the court to reexecute a paper—a conveyance of a piece of land. There are many cases of that kind—I have had them in my own practice—where a party is ordered to reexecute a paper immediately, on the spot, in the court room, because the immediate performance of the act was necessary to the preservation of a right. When it appears on the face of the pleadings, for instance, or when a party comes into court and admits that a certain deed has been destroyed, the court thereupon directs a reexecution in some cases. Now, suppose in that case the party leaves the court and does not reexecute the paper. Suppose the order has been made in a case *inter partes*, not *ex parte*, and suppose the party refuses to execute the order of

the court and demands that the whole proceeding be held up until at another term of court a jury may be summoned to try the matter. Why is not that trifling with justice, my dear friend?

Mr. LENTZ. I will answer the gentleman. The very case which he has cited is a case of specific performance and, if I understand the law as I think the gentleman from North Carolina [Mr. LINNEY] does, the same court which decreed the execution and delivery of the deed could in the same decree register against the defendant that upon his failure or refusal to deliver the deed the decree herein shall operate and be fully as effective as if the instrument itself had been executed.

Now, in the other case, as I understand, of a delivery of property, the court there again is considering the question of specific performance, and I say the court could at once, in connection with its decree, send its proper officer to put the party in physical possession of the property. Those are not the cases that we are contemplating by this legislation.

Mr. LINNEY. I have yielded long enough, I think. I am not considering a case of specific performance at all.

Mr. LENTZ. I think both your examples are cases of specific performance. One is the delivery of property; the other is the delivery of an instrument of conveyance.

Mr. LINNEY. Let me show the gentleman that he is mistaken. Suppose the sheriff has executed the deed and that deed before registration is lost, as in the case of *McMillan vs. Edwards*, in the supreme court of North Carolina, where the deed was lost before being recorded, and it was unknown to the party interested that such deed had been lost, and he brought his suit.

The sheriff came in and admitted it, and having admitted it, when the parties were arrayed for trial, refused to reexecute the paper. That is a constructive contempt, and yet the gentleman would provide in such a case that you could have a jury. I say it is absolutely impracticable, and the only sound legal view that can be taken of it and the only safe view is that taken by the supreme court of North Carolina, to wit, that there are certain inherent powers resting in the courts without which the courts would not be worth anything at all, and any effort to restrict them and take away those powers is clearly unconstitutional as an invasion of the rights of the judiciary by the legislative power, which my friend from Ohio, I know, clearly sees.

Mr. LENTZ. I want to ask the gentleman a question.

Mr. LINNEY. Yes.

Mr. LENTZ. Are you not really using illustrations, in every instance, of specific performance instead of the thing we aim at in this legislation, which is to protect, for instance, a laborer or a labor organization from being brought up as Mr. Debs was and being sent to prison for six months—and you might just as well send him for six years—without the benefit by trial of a jury of his peers to determine whether he had committed the contempt or not? Is it not a fact that the case that we are aiming at here is to protect a man against a judge believing the affidavits of one or two witnesses as against the affidavits of twenty witnesses on the other side?

Mr. WARNER. Now, Mr. Chairman, I object to the time on our side being taken up. The gentleman can occupy time on his own side.

Mr. LENTZ. I think the gentleman from North Carolina [Mr. LINNEY] called me into this particular discussion.

Mr. LINNEY. I do not care to have my time further occupied.

Mr. LENTZ. The gentleman has simply brought up specific performance cases, to which we are not referring at all.

Mr. LINNEY. I think I am entitled to the floor. In the mica case to which I referred that was simply an action of ejectment, and not specific performance at all. In the other case I put it was simply an action of ejectment, where the sheriff came in as a party by reason of his having lost a deed. But as far as a case of specific performance is concerned, the principle is precisely the same, and the courts must have this power necessarily inherent in them, or else courts can not carry out the purposes for which they were established. That is the very principle upon which this North Carolina judge bases this case. It goes still further. It relates not only to parties who are before the court, but to all officers of the court—attorneys, for instance. Suppose an attorney should collect a sum of money for a client, being a member of the court, and should not pay it over to the client. Being an officer of the court, he is within the power of the court.

I recollect on one occasion, and my friend from North Carolina [Mr. KLUTTZ] no doubt recollects the same case very well, the legislature of North Carolina undertook to restrict these inherent powers of the court touching the question of contempt. There came a case before our court. I do not want to mention the name of the attorney, because he was one of the most distinguished attorneys in North Carolina. He obtained \$9,000 of his client's money and wasted it in one debauch. Well, there was an act of the legislature passed limiting the powers of the court in contempt proceedings against an attorney, and the limit was that he should not be proceeded against or deprived of his right to



practice except upon a confession or a conviction in open court. The result was that the attorney slipped off with \$9,000 of his client's money. But for that restrictive statute, which was something on the same line as that suggested by the distinguished gentleman from Georgia [Mr. BARTLETT], the judicial history of North Carolina would not to-day have that blur and stain upon it.

Mr. Chairman, it is of as much importance to maintain the integrity of our courts and to place it in the power of the courts to maintain their own dignity and their own power to enforce their authority by their judgments—that is of more importance to the country at large and to every citizen at large than the idea of going wild upon some imagined wrong springing out of the arbitrary exercise of power on the part of a judge. Our judges are not going to exercise power arbitrarily. Why? First, they are like other people, only a little better. The citizens of Ohio would not elect anyone but a good man to be a judge. Then, what a judge does is in the face of the country. If the gentleman will allow me to use the expression, not touching himself, but touching myself, "Let but a dog be watching thee, and his eyes will tend to thy restraint."

Our judges do their business publicly, and that restrains them. First, you have a good man, or you ought to have, and then you have that restraint upon him; and then, as the supreme court of North Carolina wisely says, should he act the fool, or rather act the tyrant, there is power in the legislature to impeach him. So that it seems to me the only safe ground is for the legislative department to see to it that it does not overstep the boundary lines between it and the judiciary, and for the judiciary to see to it that it likewise does not overstep the line between it and the legislative. In that way this glorious, perfect system of checks and balances moves on and blesses all. But whenever politicians run wild and listen to the suggestion that the labor of the country is crushed to the earth and wants legislation that is impractical, that can not stand for a moment the test of having the judicial mind calmly and philosophically turned upon it, then indeed we are getting into a sea of troubles unknown to us. Therefore we ought, if we go into this at all, to go into it with great caution. But one other matter—

Mr. BARTLETT. Will the gentleman yield?

The CHAIRMAN. The time for debate on that side has been exhausted.

Mr. BARTLETT. I yield to the gentleman from Illinois [Mr. JAMES R. WILLIAMS].

[Mr. JAMES R. WILLIAMS addressed the committee. See Appendix.]

Mr. BARTLETT. I yield seven minutes to the gentleman from Ohio [Mr. LENTZ].

[Mr. LENTZ addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman from Illinois [Mr. JETT].

Mr. JETT. Mr. Chairman, at the beginning of the present session of Congress I had the honor of introducing the following bill, which I desire to insert as a part of my remarks:

A bill providing for a trial by a jury in United States courts for contempt, and for other purposes.

*Be it enacted, etc.,* That from and after the passage of this act, every person or persons charged with contempt of court, or with violating any order, decree, or judgment of any court of the United States, or of any judge thereof, shall be entitled to the right of a trial by a jury in the court in which said charge is preferred: *Provided,* That this shall not apply to contempts of court committed in the presence of the court.

SEC. 2. That in any case of a conviction and judgment for a contempt in said court the person so convicted or against whom there is such judgment entered for contempt shall be entitled to prosecute a writ of error to the circuit court of appeals of the circuit in which said court entering such judgment is situated: *Provided,* That the defendant so convicted may be admitted to bail pending the prosecution of said writ of error, bail to be fixed by the court before whom said trial was had.

SEC. 3. That all acts and parts of acts in any manner conflicting with this act are hereby repealed.

Mr. Chairman, it is the principle involved in this bill, which I have heretofore introduced, that I desire to be adopted as an amendment to this chapter. I am not so particular as to the exact language that should be used if the amendment is set forth in such a way as to reach the desired result.

Mr. Chairman, I believe that the provisions of this bill should not only be a law applicable in the Territory of Alaska, the code of which Territory we are now framing, but should be made applicable in all the Federal courts throughout the States of this Union that have original jurisdiction. This is a question in which I am interested. I take the position that there is no good reason why the accused shall not be entitled to a trial by a jury for contempt in the United States court as well as for any other charge preferred against him under any of the criminal sections of the Federal code. I know there is some opposition to this character of legislation, but that opposition comes, I am inclined to believe, from those who in truth and in fact have not the best interests,

welfare, and liberty of the individual citizen at heart. We have seen within the last few years evidences of the fact that legislation along the lines as herein suggested for the protection of the rights of the individual citizen is very apparent.

I believe that it is a serious mistake to undertake to give into the hands of any one man unrestrained power. I say here now that I stand in opposition to the giving to any one man unrestrained power. It is one of the arguments of those who want or desire to violate this authority by saying that he has discretionary power and exercise of his own judgment. Mr. Chairman, as the law stands to-day, Federal judges have unrestrained power to act in cases of contempt or alleged violations of omnibus orders and decrees of such court. To enact the provisions of this amendment into a law gives the accused the opportunity to be confronted with his accusers and by all the witnesses who are to testify against him.

Why should not men who are charged with contempt of court, for instance, for violating some order or decree that had been entered by some Federal judge perhaps upon some ex parte showing, have the right to be confronted by the witnesses against them? I believe that the right to a trial by jury should remain inviolate in the Federal as well as in the State courts and that the accused should be entitled as a matter of right to a trial by a jury of his countrymen. I am a firm believer in the right of trial by jury.

Again, Mr. Chairman, in a great majority of cases a man is arraigned before the court for contempt, if it is indirect contempt, one committed out of the presence of the court, upon affidavits of persons who may not in the discretion of the judge be called in before the court and testify to the contents of the affidavits and all things therein alleged. And very often an innocent man may be convicted by the court upon ex parte affidavits. Lawyers all know the great injustice that can be done and very frequently is done by submitting a case entirely on ex parte affidavits. This seems to me to be a very unsafe plan, especially when the liberty of the citizen is involved.

In my judgment, the accused should not only have the right to a trial by jury, because trial by jury is the very essence of our Government, but should have the right to have the witnesses come into court, that they might be cross-examined, and the exact truth of the matter under inquiry be ascertained. The cross-examination of a witness is, we all know, especially if he is one inclined to be unfair toward the accused, the only safeguard and protection that is given to those against whom charges have been preferred. The cross-examination of a witness has many times saved an innocent man.

I further believe that those charged with being guilty of contempt of court should not only have the right of a trial by jury, but should likewise, in the case of conviction, have the right and privilege to take their case to a higher court for review; and during such review, as is provided in this amendment, they should have the right to give bail, pending a hearing on writ of error, the same as he would have the right to do if prosecuted under any of the sections of the Federal criminal code.

Again, Mr. Chairman, it is a question of fact as to whether or not the accused is guilty of contempt of court; and as it is a question of fact, why should it not be submitted to a jury to pass upon, instead of lodging the power into the hands of an individual? Many who have had experience at the bar and have observed the actions and doings of some of the Federal judges in this country believe that it is more safe and the rights and liberty of the citizen will be better protected if, when an accusation is made against him, he can have a jury of his peers to pass upon his case. That there has been much abuse in recent years of the authority given to Federal courts there is, I think, no question. The issuing of omnibus injunctions has become one of the first things that the great corporations of the country think of when their employees are asking for an advance in their wages.

This government by injunction seems to be very prevalent at the present time, and I want to say here, as a member of this House, that I am opposed to government by injunction; but if this is going to be permitted, I want that protection given to citizens that when an accusation is made against them for violating one of these injunctions he may submit his case to a jury of his countrymen. I hope, Mr. Chairman, that this may be placed upon the statutes of our country and become a law, so that citizens may not be convicted upon ex parte affidavits, but that he shall have a fair and impartial trial before a jury of his fellow-citizens. Such ought to be the law, and if it is in my power it shall be the law, applicable in the Federal courts of the United States. [Applause.]

Mr. Chairman, the writ of injunction is sought by great corporations many times as a means of evading jury trial. If an individual violates a law, there are provisions made in every State by which he could be made to respond for his illegal act, under the laws of the State, and every State in the Union, without an exception, provides a manner of punishment for all character of offenses. Why, then, the writ of injunction?



Mr. Chairman, I know that attempts have been made to create the impression that the opposition to government by injunction springs from a settled hostility to the courts and the ordinary processes of justice; but such is not the case. The fact is, however, that it has become a confirmed habit of the judges in the Federal courts to substitute the extraordinary writs to supplant the right of trial by jury, by arbitrary punishment for contempt of court. It is not because of any hostility to the courts, but it is because of the arbitrary power that has been exercised by some of the Federal courts that have put the people in opposition to government by injunction. [Applause.]

Mr. BARTLETT. I now yield to the gentleman from Minnesota.

[Mr. McCLEARY addressed the committee. See Appendix.]

Mr. BARTLETT. How much time is remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. BARTLETT. Mr. Chairman, the effect of this discussion seems to be that the committee and myself are agreed upon one proposition at least, and that is that indirect contempt, contempts which are defined by law to be contempts not committed in the immediate presence of the court or so near thereto as to interfere with the administration of justice, should be tried, so far as the facts are concerned, by a jury.

There are many States in this Union which have adopted a law similar to that which I propose shall be adopted for Alaska. For a long time in my own State, and in numbers of other States I could mention, a party was confined for what the judge had determined to be a violation of an order of the court to deliver up property or for violating an injunction, and for other indirect contempts of court. I remember an instance where a man laid eighteen months in jail because he was not able to comply with the order of the court. That was in my State, in a State court.

It so attracted the attention of the legislature that they passed a law which provided that when a party was arraigned before the court, charged with a violation of the order of the court, for any contempt of the process of the court, and should demand it, and who controverted the fact by which he was charged to be guilty of a contempt, he should have the right to submit that case to a jury and have the jury pass upon the question whether or not he was in contempt of the court in not obeying its mandate.

The case that attracted national attention was the case in *re Debs*, which went to the Supreme Court of the United States (158 U. S. Reports, page 564). We know that in that case a man was charged with violating an order or injunction of a Federal judge, who at one step advanced the jurisdiction of an equity court which had never been assumed by the courts in this country before.

We know that that man was tried and confined in jail for a number of months, and that his case came to the Supreme Court of the United States, and the point was made that he had the right of a trial by jury and the right of appeal. We know that the Supreme Court of the United States decided that under the law as it existed, and under the chancery practice in the United States courts, a man did not have the right of trial by jury on the facts charged in the proceeding against him for contempt in violating the order of the court, and that the judgment of the court was final, and from that there was no appeal. That was the uniform practice in the courts in England and the United States in this sort of a proceeding, and also in the courts of a number of States.

We know, Mr. Chairman, and the country knows it, that since that case there has been case after case in the Federal courts where the dearest right of a citizen, a trial by jury, had been denied, where he had been arraigned before a court and imprisoned upon an order of the judge without any trial except before the judge.

Mr. LITTLEFIELD. Will the gentleman be kind enough to include in his remarks the names of those cases? I have heard that statement made a good many times.

Mr. BARTLETT. I have not the names of the cases at hand, but I have them accessible. I will say to the gentleman from Maine that there are cases reported which arose in West Virginia and in some other States where the miners were absolutely prohibited from marching along the public highways by the grant of an injunction in the Federal courts and punished for violating it.

Mr. LITTLEFIELD. I would like to have the gentleman include a list of those cases in his remarks.

Mr. BARTLETT. I have them and will do so. I would not make such a statement unless I had the authority for it, and I hope the gentleman from Maine does not doubt me.

Mr. LITTLEFIELD. Not at all. I only wanted to get the detailed information.

Mr. BARTLETT. I cite the following as some of the reported cases. An investigation of the facts of the cases and the rulings of the judges should convince everyone that it is the imperative duty of Congress to speedily enact a law giving the persons accused of contempt in such cases the right of trial by jury.

#### CASES CITED.

*Mackall vs. Rutherford et al.* (82 Federal Reporter, page 41). The decision in this case was rendered August 21, 1897, in contempt proceedings, held in the United States circuit court for the district of West Virginia.

On the 16th of August, 1897, the court granted an injunction, and for the alleged violation of this injunction the defendants were punished for contempt.

In this case the penalty was inflicted by United States Circuit Judge Goff for the alleged violation of an injunction granted by the court, restraining all persons from entering upon the property of the Montana Coal and Coke Company, for the purpose of interfering with the employees of said company or by the holding of either public or private assemblages upon said property, etc. The alleged violation consisted in the men marching along the highway, the same being the county road, which ran through the property of the coal and coke company. They did not march past the property of the company, but the marching was along the public highway. The defendants insisted that they could come and go over the county road as they pleased, because it was a public highway. This was alleged to interfere with the miners who desired to work and who had to pass along the highway in order to reach the mines of the company. This was held to be a violation of the injunction, and the strikers were punished for contempt.

*Consolidated Steel and Wire Company vs. Murray et al.* (80 Federal Reporter, page 811).

In this case a temporary injunction was issued.

*American Steel and Wire Company vs. Wire Drawers and Die Makers' unions Nos. 1 and 3 et al.* (90 Federal Reporter, page 608).

In this case the defendants were enjoined from using the streets. *United States vs. Sweeney, Same vs. Tallemene et al., Same vs. Hefley, Same vs. Barrick et al., Same vs. Lingo et al., Same vs. Bunch et al.* (95 Federal Reporter, page 434.)

In this case a temporary restraining order was issued and service had upon the defendants. None of them entered an appearance and a decree pro confesso was had, and afterwards a final decree was rendered and the injunction made perpetual.

Subsequently certain acts were committed by the strikers which appeared to be violations of the injunction, and upon affidavits charging the same being filed in court, certain parties were brought into court and heard as to why they should not be held guilty of contempt of court and punished accordingly. The cases against the different individuals were consolidated, and the decision of the court was rendered by District Judge Rogers July 22, 1899, and certain of the defendants were adjudged guilty of contempt and were punished by the imposing of terms of imprisonment of various lengths.

In *Ex parte Lennon* (17 Supreme Court Reporter) page 658 the facts were as follows: In the case of the Toledo, Ann Arbor and North Michigan Railway Company against several railway companies, citizens of Ohio, as well as the Michigan Central Railroad Company, a restraining order was issued by the circuit court for the northern district of Ohio, and for an alleged violation of this order the complainant in the above case (Lennon) was adjudged to be guilty of contempt, and a fine of \$50 and costs was imposed.

In the case of *Silver State Council, No. 1, of American Order of Steam Engineers vs. Rhodes et al.* (43 Pacific Reporter, page 451), the decision of the lower court refusing the injunction was affirmed.

In *People vs. Davis et al.* (Chicago Legal News, volume 30, No. 26, page 212), the defendants were indicted for criminal conspiracy.

*Elder et al. vs. Whitesides et al.* (72 Federal Reporter, page 724): Conspiracy; unlawful combinations.

*Oxley Stave Company vs. Coopers' International Union of North America et al.* (72 Federal Reporter, page 695): Conspiracy and boycott.

*State vs. Kidd et al.*, tried in municipal court of Oshkosh, Wis., November 2, 1898: Conspiracy, etc.

Mr. BARTLETT. I desire to call attention to the fact that the Industrial Commission, which has been investigating the industrial conditions of the country, reported to this House, suggesting as a partial relief for the various labor troubles that we have had and are still having in this country, that the power of the Federal court to punish for contempt be limited and restricted. We have a commission suggesting the right of trial by jury in contempt cases as one of the means of relief for the laboring people of this country, and that they shall not have one of the dearest rights taken away from them except after trial by jury. Unless there is some power and authority given by the enactment of a statute, similar to the bill proposed by myself, which shall require the courts of the United States to give the accused in these contempt cases a trial by jury, and curb to that extent at least the autocratic and despotic use of power by the Federal judges, as has been done in many cases in the past few years, then, in not many years to come, I fear that this "subtle corps of sappers and



miners," as the Federal judiciary were called by Mr. Jefferson, will "undermine the foundations of our constitutional fabric" and destroy our free institutions. [Applause.]

Mr. RIDGELY. I ask leave to print in the RECORD a bill bearing on this question, which I think will not occupy more than one-fourth of a column.

The CHAIRMAN. The Chair will state to the gentleman that under the leave already granted he has that privilege.

Mr. RIDGELY. The growing practice of our Federal judges to issue "injunctions" and "restraining orders" against members of labor organizations in cases of disputes between them and their employers has become a serious matter, owing to the fact that our courts not only go too far with such orders, but, what is much worse, they assume the authority of convicting anyone accused of violations of their self-made laws, and, still worse, they imprison the accused without a jury trial or limit of term of such imprisonment.

Organized labor all over the nation is moving in this matter by asking fair legislation at our hands to limit and define the powers of our courts in such cases. A bill is now pending before the Judiciary Committee of this House, and has been for months, which many of the most able jurists of the country have considered and pronounced fair to all parties and within constitutional limits. I will publish the bill with my remarks, hoping our committee will soon report it to the House with a favorable recommendation.

A bill (H. R. 8917) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no agreement, combination, or contract by or between two or more persons to do, or procure to be done, or not to do, or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the District of Columbia or in any Territory of the United States, or who may be engaged in trade or commerce between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States, or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy for which punishment is now provided by any act of Congress, but such act of Congress shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained.

The CHAIRMAN. The question is on the committee amendment.

Mr. LLOYD. I should like to be heard for just a moment.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent to address the Committee of the Whole for five minutes. Is there objection? The Chair hears none.

Mr. LLOYD. Mr. Chairman, I am not fully in accord with the views on either side of this controversy as expressed here. I am fully in accord with the sentiments expressed by the gentleman from Georgia. I fully concur with everything he has said with reference to the merits of this matter; but I am fully convinced, after careful investigation, that the committee bill, with the amendment which the committee will suggest, provides a much better and more effective remedy than the amendment of the gentleman from Georgia.

The amendment proposed by the committee contains the exact provision embraced in the amendment of the gentleman from Georgia, for jury trials in contempt cases. But the advantage which the bill has over the amendment presented by that gentleman is this: In the bill and the committee amendment we define and explain to the people what is meant by a contempt. We declare that when an individual has done a certain thing he is guilty of contempt. The amendment suggested by the gentleman from Georgia is broad; it defines nothing so far as contempts are concerned, except to say that contempts shall be of two kinds—direct and indirect. It does not describe what those shall be. It does not in any sense define what a contempt is. On the other hand, the bill as we have it before us fully explains what contempts are, and how many sorts of contempts there are.

It has been suggested that the amendment of the gentleman from Georgia should be adopted because it provides for appeal. But the bill itself provides for appeal. The two sections are on this subject nearly identical.

There is another distinct advantage which the bill has over the amendment. The bill provides what shall be the proceeding from time to time; it provides for bail; it provides that the individual may be brought before the court and under certain circumstances admitted to bail. In addition to that it provides another very fortunate and salutary remedy which the amendment of the gentleman from Georgia does not; it provides what shall be the punishment in cases of contempt. The amendment suggested by the gentleman from Georgia provides no punishment in a case of this kind.

It is necessary in all matters of this kind, to get at the purpose desired by the provision, to state specifically what shall be the rights of the defendant in every such case. It is sought by these propositions to protect the defendant. You can protect the defendant only by defining what his rights are.

This bill, as I understand, very specifically provides what are the rights of the defendant; and, because it so provides, I am very anxious that this House shall adopt the committee amendments and then adopt the chapter as reported by the committee. [Applause.]

The CHAIRMAN. The question is on the committee amendment.

Mr. BARTLETT. As I understand, an amendment striking out "or in its discretion" was offered by the gentleman from Ohio [Mr. LENTZ] and is now pending.

The CHAIRMAN. There is no amendment of the gentleman from Ohio pending; it would not have been in order to submit such an amendment. The question is on the committee amendment.

The amendment was agreed to.

Mr. BARTLETT. I desire to amend my amendment by striking out, in section 4, the words "or in its discretion."

The amendment to the amendment was agreed to.

The question being taken on the amendment of Mr. BARTLETT as amended, it was rejected; there being—ayes 43, noes 76.

Mr. DRIGGS. As stated before, I desire to address the committee on a matter not germane to this bill. I would like the privilege of occupying ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] asks unanimous consent to address the Committee of the Whole for ten minutes. Is there objection? The Chair hears none.

Mr. DRIGGS. Mr. Chairman, several weeks ago, during the latter part of March, I had the honor of addressing the House in relation to extravagance in the transport service of the United States as managed by the War Department, referring principally to the outrageous and uncalled-for waste of the people's money in overhauling and refitting the transport *Sumner*. You will undoubtedly recall that my charges were based upon an article published in a reputable newspaper, a newspaper in no sense a so-called "yellow journal."

You will also probably remember the allusions to the sixty (not seventy-five) dollar egg boiler; the sumptuous and magnificent dining-room fittings and furnishings; the Aladdin-like bathrooms, and other evidences of unnecessary expenditures, the net result of all together forming a combination of beauty that made the *Sumner* a "palace of the seas."

Mr. Chairman, not one of us has forgotten the ring of indignation in the melodious baritone voice of the gentleman from Iowa [Mr. HULL] as he refuted the charges of extravagance. How patriotically the gentleman from Iowa said "berths for men, cool and well-ventilated \* \* \* and all other appliances for the comfort and welfare of the men."

Why, sir, the country was almost persuaded into the belief that as far as the enlisted men were concerned the *Sumner* was some delightful floating Elysium, where only happiness and contentment reigned supreme. On the contrary, I will prove later in my argument that the berths for the men are neither "cool nor comfortable" nor the "other appliances" for their "comfort and welfare" all they should be. In conclusion the gentleman from Iowa advised me to call at the War Department for information, and not rely on a newspaper article.

After the chairman of the Committee on Military Affairs had resumed his seat, that greatest of sages [Mr. CANNON] in the House of Representatives arose and addressed the committee in reply to the transport charges. The speech then delivered by him I take the liberty of quoting almost in its entirety (pages 3670, 3671, CONGRESSIONAL RECORD, March 28, 1900):

Mr. CANNON. Mr. Chairman, I only want to say a word. I have an acquaintance with the Quartermaster-General, who is the same one we have had since the breaking out of the Spanish war, a most worthy, and, in my opinion, a most painstaking officer.

I do not believe that there has been undue expense upon this or any other transport. It does seem to me, I say to the gentleman from New York, if I had wanted to perpetrate a sensation upon the House I would have journeyed down to the Auditor's Office for the War Department, and to the War Department proper, and found out whether this highly colored article was inspired by somebody who was not pleased because the ship was not repaired at the navy-yard rather than at a private yard, or possibly by some private yard that wanted the job as against the one that did get it, or whether there was somebody wandering around who wanted the transport service put under the Navy, who inspired the article.

I would have found out something about it before I perpetrated the sensation, I think. Possibly, when my friend had found out about it, it would not have served his purpose in perpetrating a sensation. [Laughter.] I do not know whether that is so or not.

Mr. DRIGGS. Will the gentleman allow me there?

Mr. CANNON. Certainly.

Mr. DRIGGS. I have no desire to create a sensation whatever. It is against my nature and against my actions in this House. I simply desire to find out if this is the truth.

Mr. CANNON. Well, it is just about a mile to the two proper officers who could have told all about it, and where everything could have been found out. I have no knowledge about it, but my belief is that the *Sumner* is a splendid



transport, as it ought to be, and so all our transports ought to be. Now, I will acknowledge, when you talk about a china service for the table, that probably they had better fitted it up with pewter plates. I do not know.

Mr. RICHARDSON. The gentleman will concede that \$200 for a bath tub is rather heavy.

Mr. CANNON. I do not know as to the cost of bath tubs. It is easy to say, "Is not that heavy?" I suppose some kind of a bath tub can be bought for twenty or twenty-five dollars. But my understanding is that the bath tubs which are now used by people who build even modest houses in this country—bath tubs of porcelain—cost from \$100 to \$150. I am told some of them cost thousands of dollars—three or four or five thousand dollars—for bath-rooms and furnishings amongst the average constituency of my genial friend from New York [Mr. DRIGGS]. [Laughter.] I do not know about that.

Mr. DRIGGS. I only wish they had that money up there.

Mr. CANNON. It is easy to talk about a goblet costing 75 cents. It is easy to talk about mahogany furniture; and yet everybody knows that it is cheaper than walnut.

I do not know the necessity for this furnishing. I do know that there are 65,000 of our boys in the Philippines, 12,000 miles from home. I know that they had to be taken there, and that they have to be brought home, and perhaps others have got to go and come.

They can not jump there; they can not go there in a canoe or skiff; they can not sail there in a schooner. It is the duty of the Government to take them, and the Government, in the performance of this duty, has fitted up these transports. I apprehend when the fact is arrived at that it will be found they are well fitted up, so that you and I would not be ashamed of them—fitted up for the comfort and good reputation and well-being of the people who go upon them.

Now, I never went aboard a man-of-war or a cruiser but what I found better furniture, better knives and forks, better crockery, more highly polished furniture than there are in my house or in any house, I suppose, that I could get an invitation to go to. [Laughter.] But I was always glad of it. A service that goes about the world, carrying our boys and carrying our Navy, ought to be the best service for the comfort of the men that it is practicable to get, everything for efficiency without extravagance, and besides that it ought to be such, as it steams about the world, that when an American citizen goes aboard an American ship he will not be ashamed of his country. [Applause.]

Note carefully that the great guardian of the strong box of Uncle Sam said, "I do not believe there has been undue expense upon this or any other transport;" and also, "Everything for efficiency without extravagance." The gentleman from Illinois is so fair, so just, so honest that I am satisfied when my remarks are concluded he will acknowledge there was undue expense on the *Sumner*, and that it was everything for luxury for transport officers and not too comfortable accommodations for enlisted men or line officers. Mr. CANNON, too, advised me to go to the War Department.

The day following the above the gentleman from New Jersey [Mr. PARKER] read to the House a letter from the then acting head of the transport service (Colonel Bellinger) denying the charges of extravagance and giving prices to prove the accuracy of his statement. Mr. Chairman, this letter seemed to make the charges which I had proclaimed to the House roll away and disappear like the morning mist at the touch of the summer sun. This letter did indeed place the newspaper editor and myself in the position of being recipients of the most exasperating type of "gold brick" at the hands of a careless reporter.

This same day (March 29) I introduced a resolution calling for an investigation of the entire transport service, referring particularly to the *Sumner*. It was referred to the Committee on Military Affairs, where it slumbers on, carefully protected from the light of day, carefully shielded from undue publicity in the peace, silence, and darkness of its pigeonhole resting place. I do not condemn the Committee on Military Affairs for not allowing me a hearing on the resolution, for it has been far too busy on other subjects of greater importance to the people of the country. Realizing the impossibility of procuring an investigation of Congress in relation to the *Sumner*, I took the advice of the gentlemen from Iowa and Illinois and called upon the War Department for all figures relating to the overhauling, refitting, and refurnishing the said ship, and additionally asked permission to visit in person the ship from "keel to truck."

The figures I received, the ship I visited, and I now propose to lay before Congress and the country the fruits of my labor, and, additionally, I now charge, upon my responsibility as a member of this House, first, "undue extravagance;" second, "reckless waste of the taxpayers' money;" third, "gross negligence on the part of the War Department for allowing the Navy Department to expend over \$400,000 on repairs;" fourth, "outrageous disregard for economy by the War and Navy Departments in expending \$652,000 in repairing, refitting, and overhauling a ship that only cost \$160,000."

Mr. Chairman, ere submitting evidence in proof of the above, I desire to emphatically say that I have the utmost confidence in the honesty, probity, and truth of the Quartermaster-General and also the head of the transport service. I simply contend that their knowledge at the outset of the repairs necessary on an "old hulk" of the *Sumner* class should have been infinitely greater than it was, for under such circumstances extravagance would have been impossible.

Before giving in detail the items of expense, let us first glance at the history of the *Sumner*. She was purchased by the Navy Department during the war with Spain, the price being \$160,594. She is of 2,733 gross tons burden. Her speed is variously estimated at 10 to 12 knots per hour, but in reality 9 knots is her av-

erage speed. Her age I know not, but my information is that "she is by no means a new ship." She was used by the Navy as a collier, bearing the name *Cassius*. Her record as a collier was not one to inspire either admiration as to her seagoing qualities or satisfaction as to her carrying capacity.

The War Department took her from the Navy Department in October, 1899, rechristening her *Sumner*, at the same time allowing the Navy Department by book transfer the \$160,594 originally paid for the ship.

The War Department called upon the Navy Department for estimates as to the cost of overhauling and fitting her for the transport service. The first estimate was \$100,000. The War Department then requested the Navy Department to go ahead and "finish the ship in two months."

A few weeks later the estimated cost was increased \$50,000, and in the report of the Secretary of War to the Senate, under date of March 29, 1900 (Senate Document 250, page 5), the cost increases to \$250,000, this amount including work performed by Quartermaster's Department of the War Department. Under date of May 16, 1900, in a letter to me from Colonel Bird, her total cost increases to \$652,218.89. Mr. Chairman, the bold, bare truth is that the ship was in such terrible condition that rebuilding was necessary.

#### WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,

Washington, May 16, 1900.

SIR: I have the honor to inclose herewith a statement of the cost for fitting up and furnishing the Army transport *Sumner*, showing the expenditures made by the general superintendent Army transport service, New York City, and the amount of the bills of the Navy Department for materials and labor furnished in fitting up the ship at the Norfolk Navy-Yard. Itemized bills have not yet been received from the Navy Department, and the amounts stated are therefore the lump sums for labor and materials.

Attention is invited to the fact that of the total cost for fitting up and furnishing the ship, \$652,218.89, the sum of \$374,207.30 is for labor, being \$96,195.71 in excess of the cost for materials.

By direction of the Quartermaster-General:

Very respectfully,

CHAS. BIRD,

Quartermaster, United States Army.

Hon. E. H. DRIGGS,

House of Representatives, Washington, D. C.

#### Statement of expenditures made for fitting up and furnishing the Army transport *Sumner*.

[Expenditures made by the general superintendent Army transport service, New York City.]

#### FOR ENGINE DEPARTMENT.

Machinery:		
Pumps and fittings.....	\$3,269.75	
Evaporators and distillers .....	3,525.00	
Condensers.....	3,988.78	
Whistle operator.....	400.00	
Refrigerating apparatus.....	8,360.00	
Ventilating and heating .....	17,639.69	
Electric-light plant and material .....	10,772.30	
Search light.....	615.00	
Crosshead steel forgings.....	1,128.60	
Ash hoists.....	900.00	
Propeller blades.....	5,551.84	
Laundry machinery.....	992.00	
Work on crosshead, crank pin, brasses, bearings, Katzenstein's packing, etc.....	1,325.00	
Slay tubes, pipe, valves, piping, packing, tubing, gauges, copper, lubricators, zinc, tin, bronze, injectors, steel plates, tiling, wrenches, etc.....	41,550.62	
		\$100,025.58

#### FOR DECK DEPARTMENT.

Material:		
Bunks.....	\$7,130.50	
Pig-iron ballast.....	7,733.00	
Tank steel.....	9,402.49	
Automatic releasing hooks.....	914.56	
Lumber.....	3,747.88	
Sanitary goods.....	13,434.39	
Sounding machine.....	138.50	
Boat davit forgings.....	3,392.97	
Dining-room chairs.....	1,333.00	
Valves, radiators, traps, rigging, leather, locks, steel bars, pipe, pipe fittings, lights, blocks, copper tubing, varnish, iron bars, angles, canvas, asbestos, plates, bolts, hardware, cork, screws, matting, tiling, lead, mirrors, glass, pulley, wire rope, etc.....	30,715.17	
Work on leads, telegraph, dry docking, hull plates, steering apparatus, shelving, tables, hatch covers, pantry sinks, painting, etc.....	11,345.98	
		89,198.35

#### FOR STEWARD'S DEPARTMENT.

Cooking apparatus.....	\$4,785.00	
Coffee urn and charcoal broiler.....	180.50	
Galley fixtures.....	724.00	
		5,689.50
For rapid-fire gun, ammunition, and bolts.....		2,642.00

The bills of the Navy Department for materials and labor furnished in fitting of the ship are not received in this office, but the amounts as reported to the Navy Department are as follows:

#### EQUIPMENT DEPARTMENT.

For labor.....	\$17,575.48	
For materials.....	6,627.37	
		24,202.85

#### STEAM ENGINEERING DEPARTMENT.

For labor.....	\$73,517.78	
For materials.....	17,961.18	
		91,478.96



Statement of expenditures made for fitting up and furnishing the Army transport *Sumner*—Continued.

CONSTRUCTION DEPARTMENT.

For labor.....	\$368,903.87
For materials.....	70,069.28
	\$438,973.15

Grand total for fitting up and furnishing *Sumner*..... 652,218.89

The amount paid for services and labor in the foregoing statement is as follows:

By the general superintendent Army transport service.....	\$14,210.67
In Navy Department bills.....	359,998.63
	374,209.30

The amount paid for materials is:

By the general superintendent Army transport service.....	\$183,353.76
In Navy Department bills.....	94,657.83
	278,011.59

Total paid for services, labor, and materials..... 652,218.89

Of course the above figures practically include every dollar expended by orders of the War Department, although a large amount of money (\$10,288) was expended on her by the Navy prior to the ownership of the War Department. No one can criticize one dollar spent on this ship for legitimate labor, but if the amount expended for unnecessary political labor be deducted from the actual necessary labor the item of labor expenditure would be most materially reduced.

Note carefully, under the head "Deck department," the items, "Sanitary goods, \$13,434.79; and valves, \* \* \* leather, \* \* \* mirrors, glass, etc., \$30,715.17. Steward's department, galley fixtures, \$724. Navy, Construction department: For materials (not itemized), \$70,069.28."

I desire particularly to allude to the above items, for I can address the House upon them from the standpoint of personal observation. Upon Saturday, March 31, 1900, I inspected the *Sumner* from keel to bridge, and know whereof I speak.

What does the item "sanitary goods" mean? Why should over \$13,000 be expended for plumbing? You may say it was fine work. Aye! it is fine work, extravagantly, wastefully fine.

I have boarded many of the finest trans-Atlantic liners; I have seen many of the finest private yachts of our richest millionaires; but upon none of these craft are the bathrooms so expensive, so luxurious, so complete, so beautiful as those on this Army transport. The bathrooms of the captain and commissary, fitted up as they are with so-called marble bath tubs, costing, including labor of setting up, over \$200 each; hot and cold water, shower and needle baths, tiled floorings and wainscoting, German silver piping and porcelain washstands, compels a fair-minded man to stand and stare aghast at the reckless expenditure of money, for each of these bathrooms cost many hundred dollars to equip.

This is not all, for there are 12 other bathrooms on board the ship almost as beautiful, almost as extravagantly fitted up, and almost as costly. Think of it; hot and cold water, shower and needle baths, porcelain tubs, and hand-laid mosaic tiling in the bathrooms of an Army transport. The average cost of each bathroom was \$354.96. The gentleman from Iowa [Mr. HULL] said these bathrooms were for the men. I say now they are for the use of officers and passengers, while the enlisted men—the men who are going to fight for their country—are forced to be satisfied with unsanitary, rough, brass sluice troughs. No bath tubs for the men; simply 8 to 12 cold-water showers; no needle or hot-water showers for these "boys in blue." Another fact in this connection is that these 8 showers are for the use of 772 enlisted men, while the 20 fine shower baths are for the use of only 65 officers and passengers. Is this fair? Is this just? Is this taking proper care of the well-being of the private in the ranks?

The quarters of the quartermaster, captain, and the commissary are large, commodious, and beautifully finished in mahogany, while the quarters of the officers of the Regular Army going out in command of the troops, going out to battle with the Filipinos, are disgracefully small and crowded; but even in these smaller quarters mahogany is used everywhere, irrespective of the fact that other woods equally as durable would have answered equally as well. The more closely I inspected the ship the more thoroughly was I satisfied that every effort was made to spend money and not one attempt was made to economize. It is a shame, too, that the officers of the transport service should have such magnificent quarters while the quarters of the officers of the Army are so cramped, so miserable, and so inadequate. The berth deck of the enlisted men is neither commodious nor comfortable.

It was originally intended to berth 1,000 men on this deck in bunks on galvanized iron frames, six bunks to a section; but some good Samaritan chanced along and protested against the crowding together of so many men, and therefore 228 bunks were removed. So, you see, here was another item of bad judgment in fitting up the ship. The famous egg-boiling machine is intended solely and absolutely for the use of the officers and not for the use of the men as suggested by the distinguished gentleman from Iowa [Mr. HULL]. This sixty-dollar piece of extravagance can only

boil 16 eggs at a time, and of this number four are boiled two minutes, four three minutes, and so on; therefore, is it not easy to figure that it would take from three to four hours to boil sufficient eggs for 800 men? What does the gentleman from Illinois [Mr. CANNON] think of that proposition?

The dining saloon is another magnificent evidence of how money lavishly expended can beautify the most ordinary rooms. Imagine to yourselves a great, richly carved mahogany sideboard, 6 by 12 feet, said to have cost for labor and material over \$1,000, on one side of the saloon; three long and heavy tables, with solid mahogany tops and legs, in center of saloon, each table surrounded by the finest sort of mahogany dining chairs; comfortable mahogany settees on other side of saloon, and a very pretty and complete mahogany-finished smoking room just off the dining saloon. I freely admit that I saw no solid-silver tableware. The goblets were not cut glass, but the ordinary pressed glass; and at the price paid for them—39 cents each—I will leave it to the decision of every housewife in America if that is not more extravagant than cut glass tumblers at \$1 each.

Why carry this line of argument further? Your constituents and mine know that \$200 bath tubs, \$60 egg boilers, mahogany tables, chiffoniers, and sideboards, 39-cent tumblers, expensive shower baths, and fancy cooking utensils should never be installed in a ship that is to be fitted up and used for the most serious sort of work, and not for the lightest sort of pleasure. No official has the right to waste money as recklessly as it has been wasted on the *Sumner*. Six hundred and fifty-two thousand dollars—what a tremendous amount of money for overhauling and repairing a ship!

You ask how does the original cost of the *Sumner*, plus repairs, etc., compare with the original cost and repairs, etc., of other ships in the transport service?

The figures now quoted are official, having been taken from the Annual Report of the Quartermaster-General for 1899, pages 76 and 77; Senate Document No. 250, page 5, and personal information supplied by Colonel Bird, chief of transport service:

Name of ship.	Gross tonnage.	Purchase price.	Cost of refitting and repairs.	Total purchase price, etc.	Accommodations for enlisted men.
	Tons.				Number.
Sedgwick.....	4,770	\$200,000	\$265,329	\$465,329	1,200
Meade.....	5,641	400,000	374,009	774,009	1,200
McPherson.....	3,656	250,000	116,299	366,299	562
McClellan.....	2,792	175,000	98,046	273,046	800
Crook.....	4,126	240,000	105,728	345,728	828
Warren.....	4,243	200,000	133,281	333,281	1,226
<i>Sumner</i> .....	2,738	160,594	652,218	812,812	772

I would call special attention to excessive "refitting and repairs" of *Sumner* as compared with the other mentioned ships.

Name of vessel.	Tons larger than <i>Sumner</i> .	Greater number of troops carried than <i>Sumner</i> .	Total cost less than <i>Sumner</i> .
Sedgwick.....	2,032	428	\$353,480
Meade.....	2,903	428	38,803
McPherson.....	918	-----	452,513
McClellan.....	54	28	545,766
Crook.....	1,388	58	467,084
Warren.....	1,505	464	485,531

Carefully perusing and studying the above tables, we glean a most remarkable condition of affairs. The *Meade*, a magnificent ship of more than twice the tonnage and carrying 428 more troops, with a total cost \$38,000 less than the *Sumner*. The *McClellan*, of practically the same tonnage as the *Sumner* and carrying 28 more troops, cost \$539,000 less than the palatial *Sumner*.

All of you, my colleagues, with an understanding of ships and shipping, carefully consider the difference between the *Sumner* and the *McClellan*. The *McClellan* is also 3 knots per hour faster than the *Sumner*.

The *Crook* and *Warren*, more than half again as large, cost over \$460,000 less than the *Sumner*.

Most remarkable of all, however, is the comparison between the *Sedgwick* and *Sumner*. The *Sedgwick*, fitted out with every appurtenance for the comfort, convenience, and safety of officers and enlisted men, is conceded by transport experts to be one of the finest, most thoroughly equipped, and seaworthy transports of her tonnage that sails the broad seas. This ship, of 4,770 tons, is indeed a vessel of which any American may be proud. Now, what was the total cost of the *Sedgwick*? Only \$465,329, or \$353,000 less than the *Sumner*. *Sedgwick*, 4,770 tons; *Sumner*, 2,738 tons; *Sedgwick* 2,032 tons larger than the *Sumner*. *Sedgwick* carries 1,200 enlisted troops. *Sumner* carries 772 troops. *Sedgwick* carries 428 more troops.



My Democratic colleagues and all ye Republicans of fair and just minds, do not these official figures absolutely prove the charges of extravagance in the refitting of the *Sumner*? Many more figures of the total cost of other great transports, notably the *Grant*, *Sherman*, *Sheridan*, could I submit, were it necessary to supply additional proof for the substantiation of the charges upon which I have staked my reputation for accuracy and responsibility.

In conclusion, so satisfied am I that the charges of extravagance made by the Brooklyn Daily Eagle are true that I would be filled with the deepest satisfaction were the great Speaker of this House to appoint a thoroughly Republican partisan committee, without a Democrat upon it, to investigate the charges made in the resolution introduced March 29, 1900; for that committee, without the shadow of a doubt, would surely submit a report fixing the responsibility upon either the War or Navy Department, recommending the officials involved in this gross extravagance and careless attention to duty to the severest condemnation and censure of the House and country. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLELLAN. I ask that my colleague be permitted to conclude his remarks. It is a very interesting subject and we are all interested in it. I ask unanimous consent that he be permitted to proceed for ten minutes.

Mr. WARNER. I want to have the committee rise. The gentleman can extend his remarks in the RECORD.

Mr. DRIGGS. I thank the gentleman from Illinois, and in accordance with my agreement with him that I would not ask for an extension, thanking my colleague from New York [Mr. McCLELLAN], I will merely avail myself of the privilege of extending my remarks in the RECORD. I should have liked to conclude them on the floor.

Mr. WARNER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JENKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3419) making further provisions for a civil government for Alaska, and for other purposes, and had directed him to report the same back to the House with sundry amendments and with the recommendation that the bill do pass.

Mr. WARNER. I move the previous question on the bill and its amendments to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be submitted to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following title; in which the concurrence of the House was requested:

S. 4171. An act to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893;

S. 3205. An act for the relocation of certain tracks of street railways in the District of Columbia;

S. 2329. An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes; and

S. 1929. An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 4367) granting an increase of pension to Mary L. Stotsenburg, had requested a conference with the House on the said bill and amendments, and had appointed Mr. SHOUP, Mr. ALLEN, and Mr. QUARLES as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 10308. An act to extend certain publications the privileges of second-class mail matter as to admission to the mails;

H. R. 8865. An act authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street;

H. R. 3597. An act to incorporate the Frederick Douglass Memorial and Historical Association;

H. R. 6343. An act to amend the charter of the Capital Traction Company of the District of Columbia;

H. R. 7663. An act to establish a board of charities for the District of Columbia;

H. R. 7950. An act for the extension of Columbia road east of Thirteenth street, and for other purposes; and

H. R. 8498. An act to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia.

#### FIRST LIEUTENANTS IN THE SIGNAL CORPS.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution 121, for the appointment of first lieutenants of volunteers in the Signal Corps of the Army.

Mr. SULZER. We should like to have the bill read for information.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby empowered to nominate and, by and with the advice and consent of the Senate, to appoint 40 first lieutenants of volunteers in the Signal Corps of the Army, whose commissions shall expire June 30, 1901.*

Mr. HULL. I ask for the reading of the report.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I reserve the right to object until the report is read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred the joint resolution (S. R. 121) for the appointment of first lieutenants of volunteers in the Signal Corps of the Army, report the same back to the House with the recommendation that it do pass.

After due consideration of the pending measure by the Military Committee, it is thought that the small increase asked by this act is necessary for the service, and the committee heartily recommend the passage of the same.

The correspondence from the War Department relative to this bill is hereto annexed and made a part of this report.

#### WAR DEPARTMENT, SIGNAL OFFICE.

Washington, April 24, 1900.

SIR: I have to invite the attention of the honorable Secretary of War to the inability of the Signal Corps with its present number of officers to satisfactorily perform its duties. With 1,200 miles of lines there is but 1 assistant to the signal officer in Porto Rico; and 2,500 miles of lines in Cuba, operated over an extremely difficult country and involving a large amount of commercial business, are conducted by 6 officers. In the United States only 2 officers are on duty as department signal officers—in New York and San Francisco—where they are greatly burdened by purchases, inspections, and shipments of supplies for the Philippines and elsewhere.

The entire system of military telegraph lines around the great Indian reservations and along the Mexican frontier are in charge of sergeants, and overburdened line officers look after the money accounts and general policy at department headquarters.

In the Philippines there are 21 officers, who are insufficient in number to conduct, without overwork, the operations of the Signal Corps in that archipelago. In addition, telegraph and cable lines are very badly needed and are being extended gradually over the islands as occupied. All business is being conducted by wire, and on March 2, 1900, 6,000 military messages were handled on the island of Luzon alone.

For the past five months the entire number of officers allowed by law have been continuously on duty without being absent either on leave or for sickness. Colonel Allen cables from the Philippines that sickness is increasing and that additional officers are necessary. I have to ask, therefore, that the Secretary of War be pleased to recommend to Congress the passage of a joint resolution which will permit the addition of 10 first lieutenants of volunteers to the present force. This, if enacted, would relieve the pressure upon the Signal Corps somewhat. The desire is to promote 10 second lieutenants of experience, all on foreign service, and to fill their vacancies by the promotion of 10 first-class sergeants, all of whom are to be selected from the first-class sergeants in the field distinguished for their bravery, ability, and zeal.

Very respectfully,

A. W. GREELY,

Brigadier-General, Chief Signal Officer U. S. A.

The ADJUTANT-GENERAL UNITED STATES ARMY.

WAR DEPARTMENT, Washington, April 25, 1900.

SIR: I have the honor to transmit to you a copy of a letter received from the Chief Signal Officer, setting forth necessities of the service in connection with the operation of the military cable and telegraph lines during the present emergency. The Chief Signal Officer asks for the passage of a joint resolution which will provide for the appointment of 10 first lieutenants of volunteers in the Signal Corps until July 1, 1901.

I concur in the recommendation of the Chief Signal Officer and recommend the immediate passage of such a resolution.

Very respectfully,

ELIHU ROOT, Secretary of War.

The CHAIRMAN OF THE MILITARY COMMITTEE,  
House of Representatives.

#### WAR DEPARTMENT, OFFICE OF CHIEF SIGNAL OFFICER.

Washington, April 26, 1900.

MY DEAR MR. HULL: Referring to the question of the passage of a joint resolution or other method providing for 10 first lieutenants of volunteers in



the Signal Corps until July 1, 1901, I hope that you will be pleased to take an active interest in the matter. The emergency, in my opinion, is grave. It is a question of stopping the extension of telegraph and telephone lines in the Philippines or providing more officers.

If desired, I will come before your committee upon telephonic notice at any time.

Yours, truly,

A. W. GREELY,

Brigadier-General, Chief Signal Officer, U. S. A.

Hon. JOHN A. T. HULL, M. C.,

Chairman Committee on Military Affairs, House of Representatives.

Mr. HULL. Mr. Speaker, this simply provides for these officers until the 1st of July, 1901, when they go out with all the other officers appointed under the act of last Congress. It is not any permanent addition whatever, and it is a matter of economy to provide for these officers at once, in order that this line of work may be carried out and the work done in a proper way by those experienced in the matter. The only addition is the additional pay between that of sergeants and lieutenants. The filling in is at the bottom.

Mr. MANN. May I ask the gentleman a question?

Mr. HULL. Certainly.

Mr. MANN. I noticed an item in the newspapers a short time ago, in which it was stated that they were purchasing \$600,000 worth of cable that they intend to use in the Philippines. Can the gentleman inform us of anything in reference to that, and whether it is a part of the same plan?

Mr. HULL. I can not. That purchase was made independent of this. The signal corps are required by the Department to extend their lines as the army is extended, and connect all the different posts with telephones and telegraphs, and the cable would come in, naturally, from one island to another. The purchase is under a different law, and this would not affect that one way or the other. This is an economical, judicious, and proper way of conducting the business; and I will say to the gentleman that today one signal officer is commanding from 80 to 140 men, so that it is impossible for him to do the work and do it properly.

Mr. MANN. Will this make necessary further purchases?

Mr. HULL. Not at all. This has nothing to do with the purchases.

The SPEAKER. Is there any objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### EFFICIENCY OF SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HULL. Now, Mr. Chairman, I ask unanimous consent for the immediate consideration of the bill (S. 3430) which I send to the desk.

The SPEAKER. The gentleman from Iowa also asks unanimous consent for the immediate consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army.

Be it enacted, etc., That there shall be added to the Subsistence Department of the Army 1 assistant commissary-general of subsistence with the rank of colonel, 1 assistant commissary-general of subsistence with the rank of lieutenant-colonel, and 4 commissaries of subsistence with the rank of captain.

The amendment recommended by the committee was read, as follows:

Strike out all after line 2 and insert the following:

"That there shall be added to the Subsistence Department of the Army 1 assistant commissary-general of subsistence with the rank of lieutenant-colonel, and 5 commissaries of subsistence with the rank of captain."

Mr. HULL. Mr. Speaker, this bill is made necessary by the fact that it is impossible to at this time detail commissary officers to the different depots of supplies. They have had to call in the commissary from San Antonio, from Omaha, from Kansas City, and St. Paul, and now they are compelled to make their purchases in Chicago, which has cost the Government enormously by reason of the increased freight rates and by reason of having one commissary trying to serve all of these places and going from one to another. In freight rates alone the War Department under this bill would save thousands of dollars a year. The department of subsistence in the island of Luzon is calling for more officers of subsistence from the department, and it is impossible to furnish them.

The Committee on Military Affairs believe, I think unanimously, both the majority and minority, that the bill as now presented to the House will do more in the way of rendering efficient the service and more in the way of economy than will the Senate resolution. We have stricken out the rank of colonel. The Senate gave a colonel and lieutenant-colonel and four captains. The committee of the House submitted an amendment, making it one lieutenant-colonel and five captains, believing that is sufficient rank to enable the department to efficiently perform the duty.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. HULL. Yes.

Mr. RIDGELY. Does this add five new commissioned officers to the Army?

Mr. HULL. No, not new to the Army. These men are all taken from the Regular Army. It would make a vacancy of second lieutenant in the line for each one.

Mr. RIDGELY. These vacancies, when they come to be filled up, would be filled up with new officers?

Mr. HULL. They are taken from the existing line.

Mr. RIDGELY. This would add, then, six more commissioned officers?

Mr. HULL. Yes, to the line of the Army.

Mr. UNDERWOOD. I would like to ask what is the necessity for making these appointments permanent? If the troops were recalled from Cuba and the Philippines eventually, would not we have sufficient officers in this branch of the service without making this permanent increase of the Army?

Mr. HULL. I will say, Mr. Speaker, in answer to the gentleman, that the Subsistence Department has during the last eight or nine years been cut down more than any other bureau of the War Department, and, in my judgment, reduced below the number that it should have been. In the Congress, I think, of five years ago the Subsistence Corps was reduced, and for several years two or three departments were compelled to submit to a gradual reduction, in the long years of peace, until we have reduced them below the point of efficiency. This restores this department to what it was before Congress began to cut down this particular Bureau of the War Department.

Mr. SULZER. I desire to say to gentlemen simply that this bill was carefully considered by the Committee on Military Affairs, is unanimously reported, and is for the good and efficiency of the service. I trust there will be no objection to it.

The SPEAKER. Is there objection?

Mr. LOUD. I would like to ask the gentleman how much money this increase of officers will save the Government?

Mr. HULL. I think they estimate in the report that it will save \$18,000 or \$20,000 in freight, but I am not certain as to that.

Mr. COWHERD. More than that.

Mr. HULL. Yes; I think the salary of the men is \$18,000, and the report sets out that it saves a very much larger sum than the salaries of the men. For instance, they ship from Chicago to the Pacific coast, when they could ship from Omaha or Kansas City and save the difference in freight between Chicago and Kansas City or Omaha.

Mr. STEELE. It widens the territory in which the supplies can be purchased very much.

Mr. LOUD. If this is going to save as much as that, why not appoint a lot more officers and save more? [Laughter.]

Mr. HULL. The gentleman from California knows very well that we should stop when we reach the limit and necessities of the Government. The gentleman's question is not intended as anything but a joke.

Mr. LOUD. This is a serious joke. [Laughter.]

Mr. HULL. If there is such a thing as needing more officers to do the business of the Government and saving expense, we should stop when we reach the limit of necessity.

Mr. LOUD. How did we get along during the Spanish war?

Mr. HULL. We had a very much larger force in the volunteer service, which we have lost. We reduced the volunteers at the close of the last session of Congress, and the War Department has been knocking at the door of Congress ever since this session began for us to pass this bill. We reduced the force and went home, and they were crippled in the service and had to draw in their men from these great cities. They have been asking us ever since to come together and give them this relief.

Mr. LOUD. How many are there now in the Commissary Department?

Mr. HULL. I do not remember.

Mr. LOUD. It is all very fine to refer to the gentleman from Kansas City [Mr. COWHERD], for he seems to be in this. I venture to say there are half a dozen commissary officers in San Francisco to-day.

Mr. HULL. I venture to assert that there are not.

Mr. LOUD. These officers are needed about as much as a cat needs nine tails. I shall not object to the bill, but I shall vote against it. This increase of officers is creeping in all the time.

The question on the committee amendments was taken, and they were agreed to.

The bill was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

#### LAND CLAIMED UNDER DESERT-LAND LAW OF THE UNITED STATES.

Mr. LACEY. Mr. Speaker, I call up the conference report on House bill 6250, extending the time for proof and payment on land claimed under the desert-land law of the United States by



the members of the Colorado Cooperative Colony in southwestern Colorado.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6250) "extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section 2301 of the Revised Statutes of the United States and the amendments thereto shall be entitled to the benefits of the homestead laws, as though such former entry had not been made, except that commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under this section of this act.

"SEC. 3. That any person who, prior to the passage of this act, has made entry under the homestead laws, but from any cause has lost or forfeited the same, shall be entitled to the benefits of the homestead laws as though such former entry had not been made: *Provided*, That persons who purchased land under and in accordance with the terms of an act entitled 'An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes,' approved March 2, 1889, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the amended title insert "An act for the relief of the Colorado Cooperative Colony; to permit second homesteads in certain cases, and for other purposes;" and the Senate agree to the same.

JOHN F. LACEY,

F. W. MONDELL,

MARION DE VRIES,

*Managers on the part of the House.*

R. F. PETTIGREW,

THOMAS H. CARTER,

M. V. SULLIVAN,

*Managers on the part of the Senate.*

The SPEAKER. Does the gentleman from Iowa wish to have both the report and statement read?

Mr. LACEY. I think the statement will afford sufficient information.

The SPEAKER. Without objection, the statement will be read and the report omitted.

There was no objection.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

The House recedes from its disagreement to the Senate amendment, and agrees to the same in an amended form. The subject-matter is not altered. The Senate amendment, as amended by the conference committee, permits second homesteads where the homesteaders have commuted or lost their former claims, as clearly set forth in the amendment. The proviso in the amendment as agreed to is intended to reinstate the homestead rights of certain persons who purchased land under the terms of an act referred to in the proviso. That act required that purchasers at the sale under the act should be possessed of qualifications of homestead settlers and that patents should issue after final payment made, as in case of public lands under the homestead or preemption laws. The settlers paid not less than the full appraised value of the land, and it is obviously unjust that they should not only pay the full value of the land, but likewise forfeit their homestead rights because of the purchase from the Government. The proviso relieves them from the forfeiture of the homestead right on account of such purchase.

The Senate, in amending the title of the bill, did not make specific mention of the fact that the Senate amendment to the House bill was for the purpose of allowing second homestead entry. The House conferees thought it right that the title should be amended so as to call attention to the purport of the amendment, and the title has been changed so as to accomplish this purpose.

Mr. LACEY. Mr. Speaker, this bill is of more importance, possibly, than the House may think from the reading of the statement. The purpose is to allow men who have taken homesteads heretofore on the public land, who have commuted and paid up at the Government price after fourteen months, and have taken their patent, to go on and take a second homestead; also those men who have lost their homesteads by failing to be able to live upon them on account of drought or other causes that have driven so many from their land, to take second homesteads. This grant is limited to those who have, prior to the passage of this act, taken and commuted or taken and lost their homestead rights.

Mr. McRAE. Is this a general proposition?

Mr. LACEY. It is.

Mr. McRAE. If it is good for those who have commuted up to this date, why is it not good for all who may commute in the future?

Mr. LACEY. This bill provides for the future—that is, homesteads taken prior to this time and lost or commuted shall not bar an entryman from taking another homestead.

Mr. McRAE. I think it is a questionable proposition to permit those who have commuted to take another homestead. It is an indirect way of selling public land, and I trust this House will not enter upon it.

Mr. LACEY. No one can commute under this bill hereafter. It provides that no commutation shall be made hereafter. This is for those who have taken land already and have commuted; they may take a second homestead.

Mr. McRAE. That principle has never been applied to public lands up to this date, and I think it dangerous. If you begin, you can not stop.

Mr. LACEY. It is to a certain extent a new proposition growing out of the misfortunes and exigencies of the situation in many States where lands have been taken.

Mr. McRAE. What is this proposition? Does this come up by unanimous consent?

Mr. LACEY. Oh, no; it is a conference report.

The conference report was agreed to.

PUBLIC BUILDING, ANNISTON, ALA.

Mr. ALDRICH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7214) to amend an act entitled "An act for the erection of a public building at Anniston, Ala."

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That an act for the erection of a public building at Anniston, Ala., approved March 2, 1899, be amended by adding thereto the following: "Provided, That the Secretary of the Treasury be, and he is hereby, authorized to proceed with the erection of the building at Anniston, Ala., in accordance with said act, upon cession of jurisdiction to the United States of the site of the proposed building, in compliance with section 628, chapter 15, Volume I, of the civil code of Alabama of 1896, which reads as follows: 'The governor, upon application made to him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of the purchase, describing the lands sought to be ceded, is authorized on the part of the State to cede to the United States jurisdiction over such lands, to hold, to use, and occupy the same for the purpose of the cession, and none other. The jurisdiction thus ceded does not prevent the execution on such lands of any process, civil or criminal, under the authority of this State, nor prevent the laws of this State from operating over such lands: saving to the United States security to their property within the limits of the jurisdiction ceded, and exemption of the same and of such lands from taxation under the authority of this State during the jurisdiction ceded.'"

The SPEAKER. Is there objection?

Mr. MADDOX. Reserving the right to object, I wish to inquire whether the construction of this building has not already been provided for by an act of the last Congress?

Mr. ALDRICH. Yes, sir; the last Congress provided for the construction of this building; but the Treasury Department decided that under the cession as made by law of the State of Alabama the construction of the building could not go on without an amendment of the original act.

Mr. UNDERWOOD. I will state to the gentleman from Georgia that the object of this bill is simply to procure from the State a sufficient cession of ground for the purpose contemplated.

There being no objection, the House proceeded with the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ALDRICH, a motion to reconsider the last vote was laid on the table.

RAILROAD BRIDGE ACROSS THE MISSISSIPPI AT ST. PAUL, MINN.

Mr. STEVENS of Minnesota. I ask unanimous consent for the present consideration of the bill (H. R. 9679) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn.

The bill, with the amendments of the Committee on Interstate and Foreign Commerce, was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

CALAIS, ME., A SUBPORT OF ENTRY.

Mr. LITTLEFIELD. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill to establish Calais, in the State of Maine, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the ports of Eastport and Calais, in the State of Maine.

*Be it enacted, etc.*, That Calais, Me., be, and is hereby, established as a subport of entry in the customs collection district of Passamaquoddy, Me., and that the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to said port and to the port of Eastport, in said district.

Mr. RICHARDSON. Has this bill been reported by the Committee on Ways and Means?

Mr. LITTLEFIELD. It has been.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.



## INDEBTEDNESS OF OSAGE INDIANS.

Mr. MILLER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 10963) to provide for ascertaining the indebtedness of certain Osage Indians to the traders at the Osage Agency, and for making payments upon such indebtedness, was read, with the amendments of the Committee on Indian Affairs.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. I think we ought to have some explanation of it.

Mr. STANLEY W. DAVENPORT. Is this House bill 10963?

Mr. MILLER. It is.

Mr. STANLEY W. DAVENPORT. Then, on behalf of the gentleman from Kansas [Mr. BAILEY] and another gentleman interested on the other side of this proposition, I object.

## FIVE CIVILIZED TRIBES AND THE SEMINOLES.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.

The bill was read, as follows:

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, the Commission of the United States to the Five Civilized Tribes, and John F. Brown and K. N. Kinkehee, commissioners on the part of the Seminole tribe of Indians, on the 7th day of October, 1899, as follows:

"This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Seminole tribe of Indians, in Indian Territory, of the second part, entered into in behalf of said tribe by John F. Brown and K. N. Kinkehee, commissioners duly appointed and authorized thereunto, witnesseth:

"First. That the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the act of Congress approved June 23, 1898, shall place on said rolls the names of all children born to Seminole citizens up to and including the 31st day of December, 1899, and the names of all Seminole citizens then living; and the rolls so made, when approved by the Secretary of the Interior, as provided by said act of Congress, shall constitute the final rolls of Seminole citizens, upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons.

"Second. If any member of the Seminole tribe of Indians shall die after the 31st day of December, 1899, the lands, money, and other property to which he would be entitled if living shall descend to his heirs who are Seminole citizens, according to the laws of descent and distribution of the State of Arkansas, and be allotted and distributed to them accordingly: *Provided*, That in all cases where such property would descend to the parents under said laws the same shall first go to the mother instead of the father, and then to the brothers and sisters, and their heirs, instead of the father.

"Third. This agreement to be ratified by the general council of the Seminole Nation and by the Congress of the United States.

"In witness whereof the said commissioners hereunto affix their names, at Muskogee, Ind. T., this 7th day of October, 1899.

"HENRY L. DAWES,  
"TAMS BIXBY,  
"ARCHIBALD S. MCKENNON,  
"THOMAS B. NEEDLES,  
"Commission to the Five Civilized Tribes.  
"JOHN F. BROWN,  
"K. N. KINKEHEE,  
"Seminole Commissioners."

Therefore, Be it enacted, etc., That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. I think we ought to have some explanation of it. I will ask, in the first place, whether the Committee on Indian Affairs has approved this bill?

Mr. CURTIS. The passage of this bill is asked for by the Secretary of the Interior. In 1898 we made a treaty with the Seminole tribe of Indians whereby we agreed to divide their lands among them. The rolls have been made up, but the allotments of land can not be made until the rolls are closed. This bill simply provides for closing the rolls, so that the lands may be allotted and the money distributed among these Indians. The passage of the bill is urged upon Congress in the following letter:

DEPARTMENT OF THE INTERIOR,  
Washington, May 18, 1900.

SIR: On December 19 last the Department transmitted to the Speaker of the House of Representatives copy of an agreement made by the Commission to the Five Civilized Tribes in behalf of the United States with the commission duly appointed on the part of the Seminole tribe of Indians in the Indian Territory, fixing a time after which no person shall be enrolled as a Seminole citizen, and providing for the distribution of the estates of deceased Seminole citizens after December 31, 1899. The Department recommended that said agreement be ratified by Congress by appropriate legislation.

It is earnestly desired that legislation be enacted confirming said agreement at this term of Congress, so that the Seminole rolls may be completed and the lands allotted under the act of Congress approved July 1, 1898 (30 Stat., 567). Until said rolls are finally completed and approved by the Secretary no allotment of lands can be made by said commission. I beg to request your active assistance in securing said legislation.

Respectfully,

E. A. HITCHCOCK,  
Secretary.

HON. CHARLES CURTIS,  
House of Representatives.

Mr. RICHARDSON. Is this a unanimous report from the Committee on Indian Affairs?

Mr. CURTIS. It is; and the passage of the bill is strongly recommended by the Interior Department in the letter I have just submitted.

Mr. MADDOX. I notice that one section refers to the obligation to persons who are still on the rolls. What does that mean?

Mr. CURTIS. The question who were entitled to enrollment was settled by the treaty of 1898. December, 1899, has been fixed as the date for closing the rolls. Provision is made for the distribution of the property to the heirs of those who have died since 1899.

Mr. STEELE. What about children born since?

Mr. CURTIS. They will get nothing under this new treaty, and they are entitled to nothing under the old treaty.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

## REGENT OF THE SMITHSONIAN INSTITUTION.

Mr. HITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 127, to provide for the filling of a vacancy in the Board of Regents of the Smithsonian Institution.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table Senate joint resolution 127 for immediate consideration. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the reappointment of Andrew D. White, a resident of the State of New York, whose term of office has expired.

The SPEAKER. Is there objection?

There was no objection.

Mr. HITT. I have submitted the resolution to the chairman of the Committee on the Library, to which committee it is usually referred. He gives assent on behalf of that committee. It simply provides for the reappointment of Dr. Andrew D. White as one of the Regents of the Smithsonian Institution, this being the desire of all the other Regents.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

## ORDER OF BUSINESS.

Mr. HITT. Mr. Speaker, I ask unanimous consent for the immediate consideration now of Senate joint resolution 122, respecting the unveiling of the statue of Lafayette.

The SPEAKER. The Chair will say to the gentleman from Illinois that he has promised to recognize the gentleman from Michigan [Mr. CORLISS] next.

## WHITE MOUNTAIN APACHE INDIAN RESERVATION, ARIZ.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.*, That a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona, established by Executive orders, dated November 9, 1871; December 14, 1872; August 5, 1873; July 21, 1874; April 27, 1876; January 26, 1877; and March 31, 1877, as modified by an act entitled "An act to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes," approved February 20, 1893, lying within the following boundary lines, namely: Beginning at station No. "0," which is a mound stone marked "Mo. No. 0" from which corner north nineteenth on the south boundary of the White Mountain Indian Reservation bears north 77° 48' west 590 feet; thence north 46° 0' west 1,505 feet to station No. 1, which is a mound of stone; thence north 44° 0' west 2,400 feet to station No. 2, which is a mound of stone; thence south 48° 0' east 5,400 feet to station No. 3, which is a mound of stone set on the reservation line; thence north 77° 48' west along the reservation line 2,540 (more or less) feet to the one-half mile corner between the eighteenth and nineteenth mile on the reservation line; thence continuing 2,000 (more or less) feet to the station No. 0, the place of beginning; or, from station No. 3, 4,590 feet to station No. 0, the place of beginning; containing about 231 acres, be, and the same is hereby, restored to the public domain and declared to be open and subject to entry, location, and occupation under the mining laws of the United States.

The following amendments, recommended by the Committee on Indian Affairs, were read:

At the end of the bill as it now stands, line 25, page 2, add the following proviso:

"*Provided*, That said lands shall be sold under the provisions of the mining laws of the United States, and that all moneys accruing from the sale of the



lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows:

"First. To reimburse the United States for all expenses actually and necessarily incurred in surveying said lands.

"Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation, and to be expended by the Commissioner of Indian Affairs under the direction and control of the Secretary of the Interior in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes."

Also amend, in line 3, page 2, by striking out the words "north nineteen" and inserting in lieu thereof "nineteenth milepost."

Also, in lines 20 and 21, page 2, strike out the words "four thousand five hundred and ninety" and insert in lieu thereof "four thousand six hundred and thirty, more or less."

Mr. UNDERWOOD. Mr. Speaker, I reserve the right to object. I should like to ask the gentleman from Michigan from what committee this is reported.

Mr. CORLISS. This is unanimously reported by the Committee on Indian Affairs, and it has the approval of the Secretary of the Interior, the amendments of the committee being in accordance with the recommendation of the Commissioner and of the Secretary of the Interior.

Mr. UNDERWOOD. I should like to ask the gentleman from Michigan to give us an explanation of the object of the bill.

Mr. CORLISS. The object of this bill is to enable the parties having property located near the reservation to obtain on the reservation ground on which to locate buildings for the development of their property, and to extend a tunnel so as to reach the property. The property that they have located is on the side of a mountain and is inaccessible except from the reservation. This little strip of about 200 acres is simply for the purpose of enabling them to reach and develop their property. The matter has been investigated by the Secretary of the Interior, and it is shown that the land is on a mountain side, nonagricultural, of no use whatever to the Indians, and nearly 8 miles from any location of Indians. After investigation the Commissioner and the Secretary of the Interior have reported favorably upon the bill.

Mr. UNDERWOOD. What compensation do they propose to pay the Government for the land?

Mr. CORLISS. Five dollars an acre; the same compensation that was provided in the act of 1893 with reference to the same Indian reservation.

Mr. UNDERWOOD. How much an acre?

Mr. CORLISS. Five dollars an acre; the same amount that was fixed by the act of Congress of 1893, which opened a part of the territory on which this property is located. Full compensation is provided for, and the money is to be paid into the hands of the Secretary of the Interior for the benefit of the Indians.

Mr. MADDOX. For whose benefit is the land being opened up?

Mr. CORLISS. The land is good for nothing except for mining purposes.

Mr. MADDOX. What is the object in opening it up in this way?

Mr. CORLISS. The object is to enable the parties having locations off the reservation to reach their lands and to locate buildings for the development of their property.

Mr. MADDOX. A mining company?

Mr. CORLISS. The object is to secure a location on the reservation for the buildings that are necessary, because of the formation of the mountain. The matter has had a thorough investigation by the Department, and they have no objection to the bill.

Mr. SHERMAN. If the gentleman will permit me, the bill was thoroughly considered by the Committee on Indian Affairs, and the single object seems to be to permit certain persons who have rights there to reach them over this Indian reservation, the physical features of the country being such that it is impossible to reach them in any other way.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CORLISS, a motion to reconsider the last vote was laid on the table.

#### MOTHER OF WILLIAM R. McADAM.

Mr. HEDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8229) for the relief of the mother of William R. McAdam.

The bill was read, as follows:

Whereas William R. McAdam, late an assistant surgeon in the United States Marine-Hospital Service, contracted yellow fever while performing his duty as assistant surgeon at Key West, Fla., and having died at his post of duty of yellow fever on the 12th day of October, 1899: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money not otherwise appropriated, to the legal representatives of William R. McAdam the sum of \$3,920, being the amount of salary and allowances for two years.

The SPEAKER. Is there objection?

Mr. WHEELER of Kentucky. I would like to have an explanation of this bill.

Mr. HEDGE. I ask for the reading of the report.

Mr. WHEELER of Kentucky. I reserve the right of objection until the report is read.

The SPEAKER. That is understood.

The report (by Mr. FLETCHER) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8229) for the relief of the mother of William R. McAdam, beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of the money not otherwise appropriated, to the legal representatives of William R. McAdam the sum of \$3,920, being the amount of salary and allowances for two years. The said bill was referred to the honorable the Secretary of the Treasury, who deems the bill a proper and meritorious one and urges its passage, and this committee was unanimous in reporting in favor of the bill. Your committee herewith submit the report of the honorable the Secretary of the Treasury with this report and urge that the bill do pass.

TREASURY DEPARTMENT, Washington, February 16, 1900.

SIR: I have to acknowledge receipt of your letter of the 13th instant, transmitting a copy of H. R. 8229, Fifty-sixth Congress, first session, "For the relief of the mother of William R. McAdam," and requesting me to furnish the committee with suggestions touching the merits of the bill and the propriety of its passage.

In reply I have to inform you that Asst. Surg. William R. McAdam, while in the active discharge of his duty in connection with the measures taken to prevent the spread of yellow fever from Key West, Fla., to the mainland, contracted the disease and died therefrom October 12, 1899. He was not married, but leaves an aged mother, who relied upon him for support.

There is a precedent for this bill in the act of Congress approved June 15, 1898, appropriating a sum equal to two years' pay and allowances for the benefit of the legal representatives of the late Asst. Surg. John W. Branham, Marine-Hospital Service, who died in Brunswick, Ga., in 1893, under similar circumstances. The bill is also in line with recommendation contained in the last annual report of the Secretary of the Treasury.

I deem the bill a proper and meritorious one and urgently recommend its passage.

Respectfully,

O. L. SPAULDING,  
Acting Secretary.

The CHAIRMAN COMMITTEE ON INTERSTATE  
AND FOREIGN COMMERCE,  
House of Representatives.

Mr. MAHON. Mr. Speaker, I would like to know what committee that bill comes from?

The SPEAKER. From the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. That bill is not properly before the House from that committee.

Mr. WHEELER of Kentucky. I object.

The SPEAKER. Does the gentleman from Kentucky object?

Mr. WHEELER of Kentucky. Yes; I object.

The SPEAKER. Objection is made.

Mr. PAYNE. Mr. Speaker, would it be in order now to have that bill referred to the proper committee—on Claims?

Mr. MAHON. War Claims.

The SPEAKER. The bill is not before the House at this time; but whenever it is reached, a point of order will be entertained.

#### INVENTORY OF DOCUMENTS IN FOLDING ROOM.

Mr. HEATWOLE. Mr. Speaker, on behalf of the House Committee on Printing, I ask for the present consideration of House resolution 253.

The resolution was read, as follows:

Resolved, That the superintendent of the folding room, by and under the direction of the Doorkeeper of the House of Representatives, for the information of the Committee on Printing, be, and he is hereby, directed, with his present force, to take a complete and accurate inventory of all printed books, maps, and pamphlets in the folding room of the House now to the credit of members, and that he is empowered to separate and classify all printed documents, bound and unbound, in said department, and that at the opening of the next session of Congress he shall submit such invoice to the House, together with a list of all worthless unbound printed reports and pamphlets.

Mr. LOUD. Mr. Speaker, where does the resolution come from, and what is the object?

Mr. HEATWOLE. The resolution is reported from the Committee on Printing, and its object is to ascertain what worthless documents are now stored in the basement of the Capitol and elsewhere under the jurisdiction of the folding room.

Mr. LOUD. I want to suggest to the gentleman that it seems to me he can accomplish this same object by suggesting to the Doorkeeper that he do this. If you pass a resolution asking that it be done, you will find him coming in here asking for five or ten men to do this work.

Mr. HEATWOLE. If it should take five or ten men, it would be economy to have it done.

Mr. LOUD. The Doorkeeper has got a lot of men lying around doing nothing now.

Mr. HEATWOLE. There are now between eighty and a hundred thousand cubic feet of space in the folding room used in storing old Agricultural reports running back to 1864, and other worthless and out-of-date publications.

Mr. LOUD. I think the Speaker has got the power, or some officer, to direct that this work be done.

Mr. HEATWOLE. If any officer has the power, I should be glad to have him exercise it.



Mr. LOUD. I think the gentleman had better let it lie over, to see whether there is not some power to have this done without the passage of this resolution.

Mr. HEATWOLE. This resolution asks that the work be done by the present force.

Mr. LOUD. Oh, I know; but that does not prevent them coming here and asking for more men.

Mr. HEATWOLE. That is true; but still the House has the power to determine whether they shall be given or not.

Mr. LOUD. Do you not think that the better way, for the present, would be to defer it, or have some other way, without the adoption of the resolution?

Mr. HEATWOLE. I do not know of any better way.

Mr. LOUD. I think the Speaker could get this work done.

Mr. MADDOX. I will ask the gentleman from California if an inventory of these books, that the gentleman has spoken of, was not taken in the Fifty-third and Fifty-fourth Congresses?

Mr. LOUD. A very short time ago.

Mr. MADDOX. That is my recollection.

Mr. LOUD. They have to get assistants some work, for the summer grass will be getting short. [Laughter.]

Mr. HEATWOLE. I will say to the gentleman that I believe it to be a physical impossibility for any one man to give a correct inventory of the different books piled up in those rooms in the time required. Is it all right for an individual to go into a room and guess at the number of books in a room? Hardly. I want to call the attention of the House, especially those gentlemen who want favorable reports from the Committee on Printing for printing the book entitled "Diseases of the Horse" and other books, that a statement was made by the foreman of the folding room a few months ago that there were horse books Nos. 1 and 2 undistributed to the number of 34,000 lying in the folding room unused.

Mr. WHEELER of Kentucky. Why are they not distributed?

Mr. HEATWOLE. They belong to the people of this country, but they have been placed to the credit of members and allowed to accumulate in the vaults of the Capitol. Inside of two months there will be dumped into the folding room over 300,000 volumes of the Agricultural Yearbook, and besides that—

Mr. MADDOX. What is the purpose of your resolution?

Mr. HEATWOLE. It is that we shall get an absolutely correct invoice.

Mr. WHEELER of Kentucky. If you get that invoice and find out that these books belong to members of Congress, what good is it going to do you or the House?

Mr. HEATWOLE. That is a matter for future consideration by the House.

Mr. WHEELER of Kentucky. Now, suppose those of us who have no horse books to our credit vote for your resolution, will you come in here and divide them out?

Mr. HEATWOLE. The House has power to order a redistribution of these books.

Mr. WHEELER of Kentucky. If you distribute them now, we will vote for your resolution.

Mr. HEATWOLE. I have no personal interest in the matter.

Mr. WHEELER of Kentucky. I have.

Mr. LOUD. As the gentleman has no personal interest in the matter, I will, temporarily, say "I object."

The SPEAKER. This is privileged, not called up by unanimous consent.

Mr. LOUD. If it is privileged, you can not object.

A MEMBER. You can object, but it does not do any good. [Laughter.]

Mr. HEATWOLE. I desire to call the attention of the gentleman from Georgia to the old bills and reports that have been placed in those vaults. For instance, there is the Dingley bill before amended, the bankruptcy bill before amended, old appropriation bills, old registers, and many publications of that sort, reaching back for twenty or twenty-five years. Some disposition should be made of these worthless documents. They lumber up room, and should be sent out or destroyed.

Mr. TATE. In other words, it is simply to get an invoice of what there is there.

Mr. HEATWOLE. That is all.

Mr. MADDOX. You do not intend to dispose of our books?

Mr. HEATWOLE. No; only to make a report next session as to what there is there.

Mr. LOUD. I would like to ask, Mr. Speaker, what there is about this that makes it privileged?

The SPEAKER. It is a matter affecting the interest of the House itself as to the disposition of its printed documents.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

#### DIGEST OF INTERNATIONAL LAW.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of the following House joint resolution, No. 101.

The Clerk read as follows:

*Resolved, etc.*, That there be printed the usual number of copies of "A Digest of the International Law of the United States, taken from the Opinions of Presidents and Secretaries of State, and of Attorneys-General, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a party;" and that there be printed, in addition to said usual number, 2,000 copies for the use of the State Department, 2,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives; said Digest to be printed under the direction of the Secretary of State, and to be brought down to date.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time; and being read the third time, it was passed.

#### STATUE OF GEN. U. S. GRANT.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution No. 51.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound, in the form of eulogies, 13,025 copies of the proceedings in Congress upon the reception and acceptance of the statue of Gen. Ulysses S. Grant, presented by the Grand Army of the Republic, of which 4,000 shall be for the use of the Senate, 8,000 for the use of the House of Representatives, 1,000 to be delivered to the committee of the Grand Army of the Republic on the Grant memorial, and the remaining 25 copies, bound in full morocco, to be presented to Mrs. Julia Dent Grant; and the Public Printer is directed to procure a photograph of said statue and a photograph likeness of General Grant to accompany said proceedings.

The SPEAKER. Is there objection?

Mr. WHEELER of Kentucky. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what right Congress has to print books and deliver them to the Grand Army of the Republic?

Mr. PAYNE. The same right that we have to distribute them anywhere.

Mr. HEATWOLE. The same right that we have to distribute books to other people. Besides, there is only a small percentage of these books that go to the Grand Army. We have passed similar resolutions.

Mr. WHEELER of Kentucky. Not in this Congress. An effort was made to give some volumes containing exercises upon the reception of the statue of Daniel Webster to the State of Massachusetts, but it was objected to, and I think I objected to it myself.

Mr. HEATWOLE. I think it passed.

Mr. WHEELER of Kentucky. I do not think it did; if it did, it was when I was not aware of it. I do not object to this so far as printing the exercises on reception of the statue of General Grant is concerned, but I do object to printing them and giving them to the Grand Army. Give them to members of Congress, and they can turn them over to whomsoever they please. If you strike out that portion which donates so many to the Grand Army, I will not object.

Mr. MANN. Does the gentleman from Kentucky remember that the statue itself was presented by the Grand Army of the Republic?

Mr. WHEELER of Kentucky. That is all right. I can understand how the American people can accept a gift from any organization, but I can not understand how Representatives can take the money which belongs to the people and print books for the purpose of distributing them to some people in the country, when all the people are entitled to them.

Mr. MANN. Does not the gentleman understand that all the books which are printed here and distributed take money?

Mr. WHEELER of Kentucky. There is a parliamentary fiction existing here that when they are printed and distributed to members of Congress they will be distributed to their constituents, and not be given to some association.

Mr. MANN. They can not be distributed to all of our constituents.

Mr. WHEELER of Kentucky. Let them be distributed to members of Congress, and then members, if they see fit, can turn their quota over to the Grand Army; but I do not think it is right to give the people's money for the purpose here provided.

Mr. MANN. I fail to see the difference between the Government giving them to members of Congress, and letting them distribute them, and giving them directly to the Grand Army.

Mr. MAHON. Did not the gentleman from Kentucky vote to distribute the horse book?

Mr. WHEELER of Kentucky. Yes.

Mr. MAHON. Why do you do that?

Mr. WHEELER of Kentucky. Because it is a benefit to the people of the United States and the distribution is for their benefit.

Mr. MAHON. I do not see the difference.

Mr. WHEELER of Kentucky. There is a difference between distributing books that are for the benefit of the people and books for mere sentiment.

Mr. MANN. Is it not the custom where eulogies are delivered to distribute some to the families of the deceased?

Mr. WHEELER of Kentucky. Not that I am aware of.

Mr. MANN. Why should it not prevail here, where they



presented this statue to the Government? For my part, it seems to me if we get such a beautiful statue presented to the Government, this is a very cheap proposition for the country.

Mr. WHEELER of Kentucky. Yes, if this resolution goes through, it will be a custom more observed in the breach than in the observance. If gentlemen want to distribute their quota of these books I shall raise no objection, but I do protest against their being given directly to organizations.

Mr. STEELE. Let me suggest to the gentleman that the Grand Army of the Republic was intimately associated with the history that made of Grant the great man he was.

Mr. WHEELER of Kentucky. I question that very seriously. I think the soldiers of the Federal Army were intimately associated with him.

Mr. HEATWOLE. In printing eulogies 50 copies, bound in morocco, always go to the family of the deceased.

Mr. WHEELER of Kentucky. I can readily understand how a sentiment may justify any man in overlooking this little breach of the law in delivering copies of eulogies to the family of the deceased. Nor do I raise any objection to delivering to their descendants, as in the case of General Grant, any reasonable number of copies of these eulogies. But I do object most seriously to printing copies of this work for delivery to the Grand Army of the Republic. I may as well say now as at any other time that in my humble judgment one of the greatest misfortunes that could befall the American people is this soldier spirit kept alive by the Grand Army of the Republic and the Association of Confederate Soldiers.

I am a gray-headed man; yet I never saw a real soldier in my life; and I think the people of the United States are about willing to forget these soldier organizations on both sides, growing out of the unfortunate war between the States.

Mr. LACEY. If you had seen some soldiers, you would not take the position you do.

Mr. TAWNEY. Does the gentleman object to this resolution on account of the precedent or on account of the distribution to the Grand Army of the Republic?

Mr. WHEELER of Kentucky. On both grounds.

Mr. TAWNEY. Is not the gentleman aware of the fact that when the Webster and Stark statues were received for admission to Statuary Hall, an extra number of volumes containing the addresses made on that occasion were given to the State of Massachusetts?

Mr. WHEELER of Kentucky. No, sir; objection was made to that very effort.

Mr. UNDERWOOD. I rise to a point of order. The gentleman from Kentucky [Mr. WHEELER] having given notice that he objects, I make the point that debate is out of order.

The SPEAKER. The Chair understood the gentleman to say that he reserved the right to object.

Mr. WHEELER of Kentucky. I said that if the gentleman from Minnesota would consent to an amendment striking out the portion of the resolution which provides for the distribution of a thousand copies of these memorial volumes to the Grand Army of the Republic, I would not object.

The SPEAKER. Objection is made.

#### REPORTS OF INDUSTRIAL COMMISSION.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask the adoption of House concurrent resolution No. 42.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 17,000 copies each of the reports of the Industrial Commission on trusts, together with the testimony submitted in connection therewith, and the report on prison labor; 10,000 copies of each to be for the use of the House, 5,000 for the use of the Senate, and 2,000 for the use of the Industrial Commission.*

The amendments reported by the committee were read.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. MAHON. I object.

#### THE RÖENTGEN RAY.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 24.

The resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of a document entitled "The Use of the Röntgen Ray by the Medical Department of the United States Army in the War with Spain (1898)," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department.*

There being no objection, the House proceeded to the consideration of the resolution, and it was agreed to.

On motion of Mr. WHEELER of Kentucky, a motion to reconsider the last vote was laid on the table.

#### WAR CLAIMS.

On motion of Mr. OTJEN, by unanimous consent, House resolution No. 254, providing for the reference of certain war claims

to the Court of Claims, was recommitted to the Committee on War Claims.

#### GOLD BARS IN EXCHANGE FOR GOLD COIN.

Mr. SOUTHARD. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars."

*Be it enacted, etc., That the act approved March 3, 1891, amending the act approved May 26, 1882, be amended so as to read as follows:*

*"That the superintendent of the coinage mints and of the United States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof in sums of not less than \$5,000, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: Provided, That the Secretary of the Treasury may make, in his discretion, such exchange without charge, or may impose a charge therefor."*

The SPEAKER. Is there objection?

Mr. McRAE. Reserving the right to object, I would like to know what is the necessity for this legislation?

Mr. SOUTHARD. I will try to explain the purpose of the bill. Let me say at the outset that it has the approval and commendation of the Secretary of the Treasury. Its purpose is to allow the Secretary of the Treasury in his discretion to exchange gold bars for gold coin. Frequently gold is needed for export—

Mr. McRAE. Then this is intended to facilitate the export of gold?

Mr. SOUTHARD. No; wait a moment.

It is always desirable, if gold is to be exported, in any event, that we should export it in the form of gold bars rather than in the form of coin, because in that way the Government is not put to the expense of coining the gold. Frequently gold is needed for manufacturing purposes. It is said that last year one firm engaged in the manufacture of spectacle frames used for that purpose a large amount of gold—my recollection is, half a million dollars' worth. These manufacturers would a little rather have the gold bars than the gold coin; but they will not pay a premium for gold bars when they can get full weight gold coin without paying a premium.

Now, it seems to the committee, and it is advised by the Secretary of the Treasury, that we give to him a discretion so that he may exchange gold bars for coin.

Mr. SHAFROTH. Will the gentleman allow me?

Mr. SOUTHARD. I will yield to the gentleman for a moment.

Mr. SHAFROTH. The principal reason for this measure, as I understand it, is that we are now coining a great many full-weight legal-tender coins. The Secretary of the Treasury charges about one-tenth of 1 per cent for the gold bars. Inasmuch as the gold coins are full weight, it pays the exporter of gold to get the gold coins instead of the bars.

Consequently it cuts down the circulating medium to have the coin exported instead of the bullion. That is, I understand, the principal reason, together with the fact that a good deal of coin also goes into the arts and is melted, whereas the manufacturers should be required to use gold bars instead of contracting the currency. The committee pretty thoroughly investigated this. There are two bills which have been before that committee. This bill I believe to be a good one. The other bill, which the gentleman from Ohio [Mr. SOUTHARD] expects to call up, is, I think, wrong in principle.

Mr. McRAE. I shall not object to the consideration, for I realize that under our rules much of our legislation must be reached in that way; but I am opposed to it, and would like to have a moment or two in order to state the reasons for my opposition.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McRAE. I will ask the gentleman from Ohio to yield to me a moment or two.

Mr. SOUTHARD. How much time does the gentleman want?

Mr. McRAE. Only a minute or two.

The SPEAKER. The Chair hears no objection. The gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, I do not believe in the policy embodied in this bill, which, in my opinion, will facilitate the exportation of the only money of final payment which we now have. I believe it ought to be the policy of this Government the very moment it gets into its possession 25½ grains of pure gold bullion to put the Government stamp of fineness upon it and thus make it a legal tender, or solvent of debt and taxes, between itself and the citizens and between citizens. If it does not need it for immediate payment of salaries or debts, then let us prepare the coin for use and keep it in the Treasury until it does. Every dollar's worth of bullion which goes to the Treasury ought to be coined, and thus put a premium upon it over bullion. Instead of that, we are by this bill making it easy for those who want it for use in the arts to get it, and to get it in the very shape they want, and for those who want to export it to get it easily in the shape that will enable



them to export it cheapest. We need all the gold we can get here, certainly much more than we have, and there ought to be no legislation which would make it easier to export it or easier to get it out of the Treasury and to have it used in the arts.

Mr. SHAFROTH. Now, if the gentleman will yield to me for a minute I just wish to say, in answer to his remarks, that this does not intend to facilitate the exportation of gold. It has a tendency to cause the exportation of bullion instead of coin, and unquestionably it is to the advantage of this Government that bullion should be exported in preference to the coin.

Mr. MCRAE. Why?

Mr. SHAFROTH. Because coin acts as a measure of values. It is a circulating medium, and it has a tendency to affect prices.

Mr. MCRAE. That is true; and when you put the stamp upon it and send it abroad it will come back to the government, because it is a legal tender and is good there, particularly if that government is the United States—greatest Government under the sun.

Mr. SHAFROTH. Not when all governments receive the coin at the bullion value. They do not take coin at anything except the bullion value, nor do we, when it comes to us from a foreign country.

Mr. MCRAE. But we take our own coins at their coinage value, and that is the reason all bullion should be coined and the reason they will come back to us.

Mr. SHAFROTH. It may have that tendency, but there is an abrasion of these coins going on all the time in the shipments to and from foreign countries. The coins may be wrapped up in tissue paper, and yet the rolling of the vessel between here and Liverpool will abrade \$1,000,000 worth of gold coins to the amount of \$256; that is absolutely lost to humanity. Consequently it is better for everybody that the gold should be shipped in bulk, which causes no abrasion, instead of being shipped in the form of coin. Besides that, the immediate result to the United States when you ship away the coin is to take away a part of the circulating medium of the country, and that is wrong. This simply removes the requirement upon the Treasury to charge a premium for bullion. That is all. It seems to me it is a very proper measure.

Mr. MCRAE. Mr. Speaker, I see nothing in the argument of my friend from Colorado, because if the gold bullion in the Treasury is more valuable for export than coined gold, then certainly it facilitates exports by requiring this exchange of bullion for coin. It is not the amount of money which may be here or there which affects prices, but the amount of money that is in existence in the commercial world. The entire volume of redemption money is that which sustains and increases prices. But if we want to retain our coin here we should put the impress of our Government upon it, and make it more valuable at home than abroad, so that when it goes abroad it will come back in exchange for those things which our farms and factories turn out. I am utterly opposed to reducing either money metal to the low level of a commodity. I hope that the bill will not be passed by the House. I can see no interest to be served by it except that of a few exporters of gold, and we should discourage that instead of encouraging it.

Mr. MCCLEARY. The gentleman would rather put the Government to the expense of having it coined.

Mr. MCRAE. We have the mints to do that already, and the additional expense will be but little.

Mr. SOUTHARD. This law which is now sought to amend was passed in 1891. Prior to that time there was no charge made for gold bars. The law reads as follows. This is the clause or part of the law which relates to this particular subject:

That the Secretary of the Treasury may impose for such exchange a charge which in his judgment shall equal the cost of manufacturing the bars.

Now, this leaves it in his discretion. He may make the charge, or he may forego it. There are times perhaps when he would be justified in making the charge. But I should like to know of anyone what sense there is in compelling the manufacturer, for instance, to buy full-weight gold coin manufactured at the expense of the Government, when bars would be more satisfactory, when the demand for manufacture will necessarily result in the melting up of the coin. Why should not the Secretary of the Treasury have the right to give the manufacturer gold bars instead of full-weight gold coin? If there is any reason in the world for it, we have not been able to discover it. I will say that the committee were unanimous in recommending the passage of this bill. We could discover no reason whatever for any opposition to it.

I ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question being taken on the passage of the bill, on a division (demanded by Mr. MCRAE) there were—ayes 93, noes 21.

Accordingly the bill was passed.

On motion of Mr. SOUTHARD, a motion to reconsider the last vote was laid on the table.

#### ORDER OF THE RED CROSS.

Mr. SOUTHARD. I ask unanimous consent—

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] has a conference report.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present a conference report.

The SPEAKER. Does the gentleman desire both the statement and conference report read?

Mr. GILLETT of Massachusetts. I ask unanimous consent that the statement alone be read.

The SPEAKER. Without objection, the statement will be read and the reading of the report omitted.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill of the Senate, No. 2331, entitled "An act to incorporate the American National Red Cross, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

(1) That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the word "Michigan," in line 16, section 1, page 3, insert "Harriette L. Reed, of Boston, Mass.; William H. Sears, of Lawrence, Kans.; John K. Elwell, of Vinland, Kans.; E. R. Ridgely, of Pittsburg, Kans.; James Tanner, John Hitz, S. W. Briggs, Corry Curry, Lizzie W. Calver, Mary A. Logan, Mary L. Barton, S. B. Hege, and Helena H. Mitchell, of Washington, D. C.; Emma L. Nichols, of Chillicothe, Ohio; Lenora Halsted, of St. Louis, Mo.; P. V. De Graw, of Philadelphia, Pa.; Walter P. Phillips, of Bridgeport, Conn."

(2) That the Senate recede from its disagreement to the amendment of the House numbered 2, line 16, section 2, page 4, and agree to the same.

(3) That the Senate recede from its disagreement to the amendment of the House numbered 3, line 8, section 3, page 5, and agree to the same.

(4) That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Strike out all of line 5, and to and including the word "Columbia," in line 6 of section 5, page 7, and insert in lieu thereof the words "transmit to Congress."

(5) On the amendment of the House numbered 4, the conferees state that they have been unable to agree.

FREDK. H. GILLETT,  
WM. ALDEN SMITH,  
*Managers on the part of the House,*  
H. D. MONEY,  
H. C. LODGE,  
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

Section 1 of the report accepts the names of incorporators added by the House, with an amendment adding a few more names.

Section 2 accepts the amendment of the House protecting the use of the brassard in case of war.

Section 3 accepts the amendment of the House transferring the property of the old company to the new one.

Section 4 requires the transmission of the annual report to Congress, instead of publication in the newspapers.

Section 5 reports the disagreement of the conferees upon the proposition of striking out section 4 of the bill, relative to the exclusive use of the red cross, and substituting instead the House amendment protecting the Red Cross sign from fraudulent use.

FREDK. H. GILLETT,  
WM. ALDEN SMITH,  
*Conferees on the part of the House.*

Mr. GILLETT of Massachusetts. Mr. Speaker, with the exception of section 4, all the clauses were agreed to unanimously by the conferees of both Houses; consequently they ought to be acceptable to the House, and I should be glad to have them acted upon at once. I will afterwards bring up the other clause upon which there was a difference of opinion between the two Houses. If there is no question about these amendments, upon which there is a unanimous agreement, I ask for a vote.

Mr. MCRAE. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Arkansas?

Mr. GILLETT of Massachusetts. Certainly.

Mr. MCRAE. Will the gentleman please explain the status of section 4?

Mr. GILLETT of Massachusetts. The conferees on the part of the two Houses did not come to an agreement upon that. I will call that up later. This simply refers to the other amendments, on which we unanimously agreed. I ask for a vote on the report.

The question was taken; and the report of the committee of conference was agreed to.

Mr. GILLETT of Massachusetts. Now, Mr. Speaker, as to section 4, which was stricken out by the House and an amendment in the nature of a substitute inserted, the conferees of the two Houses failed to agree, the House conferees standing by the House amendment and the Senate by the original section. I suppose that under the rules of the House the motion which would have the priority would be to recede and agree to the Senate bill; and a member has suggested to me that he wishes to make that motion. I therefore yield to the gentleman from Michigan to make that motion, which has priority.

Mr. WM. ALDEN SMITH. Mr. Speaker, I move that the House recede from its disagreement and agree to the Senate bill.

The SPEAKER. The gentleman from Michigan moves that the House recede and agree to section 4.



The question was taken; and the Speaker announced that the "noes" appeared to have it.

Mr. WM. ALDEN SMITH. Division.

Pending the division.

Mr. WM. ALDEN SMITH. Mr. Speaker, before action can not I ask unanimous consent to say a word upon this proposition?

The SPEAKER. The gentleman asks unanimous consent to say a few words on this proposition.

Mr. DE ARMOND. I also ask unanimous consent that an opportunity be afforded to say a few words upon the other side.

The SPEAKER. The gentleman from Missouri asks unanimous consent that he may have an opportunity to respond. Is there objection to this duplicate request? [After a pause.] The Chair hears none.

Mr. WM. ALDEN SMITH. Mr. Speaker, I simply desire to say that section 4 of the Senate bill protects the Red Cross Association in the use of its insignia. It seems to me that it protects the people of the country against any imposition upon them by whomsoever, assuming to be under the Red Cross, ask alms or assistance. It is not an unusual thing. I hold in my hand a letter handed me by Miss Clara Barton to-day, showing the impositions that have been made upon these people in various sections because of the use of this insignia. Why not protect this association in it? They have made good use of it. Their work certainly is commendable. It gives them no more than they deserve. An association operating in the State of Pennsylvania has grown up and is protected by the consent of the National Red Cross; but they sprung from the National Red Cross Society. This society has done great good in the country. I have before me a list of some of the things they have accomplished, some of the work that they have done, and I want to read it to the House to show you how general have been their benefactions. There have been contributed from this National Red Cross Society in the case of the—

Michigan forest fires, 1881, material and money.....	\$80,000
Mississippi floods, 1882, money and seeds.....	8,000
Mississippi floods, 1883, material and seeds.....	18,500
Mississippi cyclone, 1883, money.....	1,000
Balkan war, 1883, money.....	500
Ohio and Mississippi floods, 1884, feed for stock and people, clothing, tools, house furnishings.....	175,000
Texas famine, 1885, appropriations and contributions on statements made upon personal investigation.....	120,000
Charleston earthquake, 1886, money.....	500
Mount Vernon, Ill., cyclone, 1888, money and supplies.....	85,000
Florida yellow fever, 1888, physicians and nurses.....	15,000
Johnstown disaster, 1889, money and all kinds of material, buildings, and furnishings.....	250,000
Russian famine, 1891-92, mainly food.....	125,000
Pomeroy, Iowa, cyclone, 1893, money and nurses.....	2,700
South Carolina islands, 1893-94, money and all kinds of supplies and materials, tools, seeds, lumber, etc.....	65,000
Total.....	946,200

This is a tremendous aggregate of nearly a million dollars which has been distributed by this society, certainly with wholesome purpose and results. I commend to the consideration of the House this most faithful woman and her organization. It is entitled to the encouragement of the American people. I have witnessed with my own eyes the relief of suffering and distress under the protection of this society. Now, then, having made it honorable, having given the Red Cross something that means something, I believe that, having been recognized by foreign countries in treaties with this country, we can with propriety give to them all they ask in this Senate bill.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. WM. ALDEN SMITH. Certainly.

Mr. CRUMPACKER. I understand from the provisions of the Senate bill that the Red Cross Society has exclusive right to use the red cross in charitable work?

Mr. WM. ALDEN SMITH. For the information of the House I ask that section 4 be again read.

Mr. CRUMPACKER. The gentleman can answer that question.

Mr. WM. ALDEN SMITH. They have the exclusive right to use it, but they do not exclude other societies. They are simply the central authority.

Mr. CRUMPACKER. If a Sunday school in any locality should attempt any local charity under the banner of the red cross, it would be subject to a prosecution unless it got permission from this corporation.

Mr. WM. ALDEN SMITH. I do not consider it would, because there must be a purpose to defraud, and there is no such purpose there. Now, then, I say that, if any society on earth is entitled to careful consideration in this House, it is the National Red Cross. This symbol is recognized in international treaties, and we should give it the recognition that it asks for here. They will make good use of it, and certainly they are entitled to it. It is not asking too much. It is simply asking what they deserve, what they have earned, and for one I hope the National Red Cross Society will not knock in vain at the doors of Congress for recognition. They are recognized by treaty. The treaty protects the insignia, and I am not so sure but what the treaty is a

sufficient guaranty of this exclusiveness. But they ask for this legislation; and it does no harm. It will do a great good; and I commend it to the careful and earnest consideration of men who appreciate what has been done by this society in the world at large and in our country. [Applause.]

Mr. DE ARMOND. Mr. Speaker, the question before the House is not as to the merits of the Red Cross Society, but the real question is as to the merits of these two provisions, section 4 as it came from the Senate, and section 4 as it left the House. That is the matter before this body at this time, so that remarks as to the worth of the Red Cross Society, and the work it has done, and the work it will do, have no bearing upon the question. Those who may be in favor of the House adhering to its amendment, as improving the bill, could not be put, by any remarks made in commendation of the Red Cross Society, in the attitude of asserting a lack of appreciation of it.

The House upon pretty full consideration amended the bill in this particular—substituted a new section for the Senate section No. 4. It is very doubtful whether the bill would have passed the House but for that amendment. It is very clear, at least, that that amendment removed in the minds of a good many members objection on account of which they would have voted against the bill if it had been unamended, whereas they voted for it.

In that condition of things I for one think this House ought to adhere to its amendment. It was not adopted in haste, but the consideration was full and the vote overwhelming. Why, then, the House should recede, why the House should yield to the Senate in this matter, I can not understand. It seems to me it would be better for the conferees of the House to go to conference with those representing the Senate, standing up for the action of the House, and endeavoring to secure the adoption by the Senate of the amendment here adopted; or, failing in that, to secure such a modified amendment as may be satisfactory to both Houses.

Mr. WM. ALDEN SMITH. Does the gentleman from Missouri understand that this gives no exclusive rights to the Red Cross Society? The language of the bill is that "the insignia colored in imitation shall not be used except by authority of the United States or by the permission of the National Red Cross for the purpose of collecting funds."

Now, then, the Government of the United States can authorize anyone else if in its discretion it wants to, and the National Red Cross Society can give anyone else the privilege, and they have given the privilege to others—to everybody that has asked for it. But it should be official; there should be some central authority giving consent to its use. And now that they have made it valuable and helpful, now that the people look with favor upon it, surely they ought not to be imposed upon. And this limitation will prevent that.

Mr. DE ARMOND. If the National Red Cross Society makes a practice of granting the use of this insignia to all who ask for it, I can not understand what valuable privilege would be extended to that society in providing that they shall have exclusive control over this matter.

But there is more in this amendment than the gentleman has indicated. There is much that he has not commented on in regard to the penalties. The fact is, in my judgment, that the amendment adopted by the House greatly improves the bill. That was the judgment of the House when the amendment was adopted.

No reason, so far as I know, has since been given why the House should not have adopted that amendment, or why, having adopted it, the House should not make strenuous efforts to have it retained in the bill. It may be that the House conferees can not agree with the Senate conferees in regard to introducing into the bill the House amendment; but they may at least agree upon some amendment which will be satisfactory to both and not yield without a real struggle, a struggle in earnest, to have the will of the House prevail as well as the will of the Senate.

The fact is, aside from the merits of the amendment as compared with the original proposition, I have enough pride in the body of which I am a member, and enough disposition to see its will maintained, to be disposed to insist upon an effort at least to have the House be as potent in legislation as may be. It is very much the practice—it has been for years—for the Senate by insistence to obtain what the House by persistence might get. It is not obstinacy for the House to insist on this amendment any more than it is obstinacy for the Senate to insist on rejecting it. We are a good many days from adjournment, and certainly our conferees—

Mr. GILLET of Massachusetts. Was not the gentleman opposed to this bill even after the amendment was adopted?

Mr. DE ARMOND. He was; and he is now. But if this bill is to pass he desires that it be made as little objectionable as possible, and he believes that the bill is better with this amendment than without it. I was opposed to the bill, and I am opposed to it now, because I think it is a kind of sweeping legislation totally uncalled for and totally unnecessary and unauthorized.



I have respect for the Red Cross; I have esteem for the people who are connected with it; I prize the good work that they have done, and I live in expectancy of the good work they will do. They are incorporated now under the laws of Congress, as an institution of the District of Columbia, and that incorporation, for all practical purposes, is ample. But in order to exploit this society upon a broader field and give it greater notoriety, to add to the list of distinguished persons now composing it, it was deemed desirable for the society to be organized as a corporation at large. That I was opposed to; that I am opposed to.

Being opposed to that when the bill was up, being opposed to it now, that fact does not preclude me, at least in my own view, from being in favor of amending the bill in such a way as to make it better. The House, as I said, amended it before by an overwhelming vote. Of course it is with the House to determine whether or not, after deliberately doing that, after sleeping a night upon it, it will abandon its position now in order to be complacent and to agree readily with the Senate.

Ordinarily when a question arises between the House and the Senate I have enough pride in the body to which I belong to feel disposed to see those who represent the House stand a reasonable length of time by what the House has done and not yield too readily to the insistence of the Senate.

Mr. RIDGELY addressed the Chair.

The SPEAKER. The Chair has no power to recognize anyone. The House was in the act of voting.

Mr. CRUMPACKER. I ask that the original section be read in connection with the House amendment, so that the House may understand the provisions of both.

The SPEAKER. The House was in the act of voting when the request for unanimous consent was made. A division was asked for. The question will be again taken on agreeing to the Senate amendment.

The question being taken, it was decided in the negative, there being—ayes 40, noes 87.

Mr. GILLET of Massachusetts. I move that the House insist on its disagreement, and ask a further conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. GILLET of Massachusetts, Mr. WM. ALDEN SMITH, and Mr. WILLIAMS of Mississippi as conferees on the part of the House.

#### NATIONAL WHITE CROSS OF AMERICA.

Mr. BABCOCK. Mr. Speaker, I ask now the consideration of Senate bill 2581, which heretofore was temporarily laid aside—a bill to incorporate the National White Cross of America, and for other purposes. This bill was read twice and went over as unfinished business, being laid aside temporarily on the last District day, pending a motion to strike out section 3. I ask that that motion be agreed to by the House.

Mr. BAILEY of Texas. I would like to know what that section is.

The SPEAKER. The Clerk will read the section.

The Clerk read as follows:

SEC. 3. That said National White Cross of America shall report annually to the Secretary of War concerning its proceedings, together with a detailed statement of all receipts and expenditures, which shall be by him transmitted to Congress and printed. It shall perform such relief work as may from time to time be assigned to it by the Secretary of War or the Secretary of the Navy, if the means therefor are placed at its disposal, and it may perform its work of charity at any place in the United States or in any foreign country or province as it may deem wise and proper.

Mr. BAILEY of Texas. Mr. Speaker, I desire to ask the gentleman if this is another national incorporation, or if it is confined to the District of Columbia?

Mr. BABCOCK. This proposed amendment disconnects this organization entirely from the Government.

Mr. MUDD. If the gentleman will allow me, this creates a body corporate and politic in the District of Columbia.

Mr. BABCOCK. There is no authority to incorporate or organize in any other State or Territory outside of the District of Columbia. We propose to strike out section 3.

Mr. BAILEY of Texas. I have no objection to the bill with that stricken out.

The SPEAKER. The question is on the amendment of the gentleman from Wisconsin.

Mr. MUDD. There are some verbal amendments, some mistakes in the printing of names, which I wish to have corrected.

The SPEAKER. The gentleman will state his amendment.

Mr. MUDD. In line 5, before the word "Cicero," strike out "Mrs." and insert "Mr." The person named is a man.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the letter "s" in the word "Mrs." before "Cicero," in line 5.

The amendment was agreed to.

Mr. MUDD. In line 13 instead of "Mrs. Cornelia Clay" it should be "Miss Cornelia Clay."

The Clerk read as follows:

In line 13 strike out "Mrs." before "Cornelia" and insert "Miss."

The amendment was agreed to.

Mr. MUDD. In line 2, page 2, instead of "Miss Belle Launer," it should be "Miss Belle Tanner."

The amendment was read, as follows:

In line 2, page 2, strike out "Belle Launer" and insert in lieu thereof "Belle Tanner."

The amendment was agreed to.

Mr. MUDD. In line 12, page 2, instead of "Capt. Frank W. Dickens" it should be "Capt. Francis W. Dickens."

The Clerk read as follows:

In line 12, page 2, strike out "Frank" and insert "Francis."

Mr. MUDD. In line 14, after the word "Missouri," I move to insert the words "and E. J. Roach, of New York City."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BABCOCK. I desire to call up for concurrence some bills on the Speaker's table.

The SPEAKER. The Chair lays before the House the following House bills with Senate amendments relating to the District of Columbia.

#### METROPOLITAN RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street, with Senate amendments, which were read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur in the Senate amendments, and ask for a conference.

The motion was agreed to.

The following conferees were appointed: Mr. BABCOCK, Mr. PEARRE, and Mr. LATIMER.

#### COLUMBIA ROAD.

The SPEAKER also laid before the House the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, with Senate amendments; which were read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The following conferees were appointed: Mr. BABCOCK, Mr. PEARRE, and Mr. LATIMER.

#### FREDERICK DOUGLASS MEMORIAL ASSOCIATION.

The SPEAKER also laid before the House the bill (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association, with Senate amendments; which were read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The following conferees were appointed: Mr. MUDD, Mr. WHITE, and Mr. CLAYTON of New York.

#### REASSESSMENT OF WATER-MAIN TAXES.

The SPEAKER also laid before the House the bill (H. R. 8498) to amend an act entitled an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, approved July 8, 1898, with a Senate amendment; which was read, as follows:

Page 3, after line 8, insert:

"SEC. 3. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to cancel the assessment of water-main taxes unpaid on Brightwood avenue for the laying of the water main about July 20, 1895, from Fort Reno reservoir to and on Brightwood avenue from the Military road to Aspen street, where the water has not been introduced from said main on adjoining property since said water main was laid; and they are authorized and directed to reassess the tax for laying said main on Brightwood avenue according to existing law."

Change section 3 to section 4.

Mr. BABCOCK. I move that the House concur in this amendment.

The amendment was agreed to.

#### CAPITAL TRACTION COMPANY.

The SPEAKER also laid before the House the bill (H. R. 6243) amending the charter of the Capital Traction Company of the District of Columbia, with the Senate amendment, which was read, as follows:

Page 1, line 12, strike out all after "east" down to and including "east," line 1, page 2, and insert "thence by a single-track loop on Pennsylvania avenue, the circle, K, and Fifteenth streets, bounding square No. 1078, and connecting with the double tracks at Pennsylvania avenue and Fifteenth street east."

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### BOARD OF CHARITIES FOR THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 7673) to establish a board of charities for the District of Columbia, with the Senate amendments; which were read, as follows:

Page 1, line 14, after "members," insert "and shall appoint a secretary, who shall receive a salary of \$3,000 per annum; and a messenger, who shall receive a salary of \$540 per annum."

Page 2, line 2, after "Congress," insert "Provided, That the office of superintendent of charities of the District of Columbia is hereby abolished from



and after the 30th day of June, 1900; and the amounts appropriated in the act making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1901, for salaries of superintendent of charities and of a messenger in the office of said superintendent and for traveling expenses are hereby made available for the payment of secretary of the board of charities, messenger for said board, and necessary traveling expenses authorized by said board."

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

#### DISTRICT CODE.

Mr. BABCOCK. Mr. Speaker, I now ask present consideration of the bill H. R. 9835, which was laid aside as unfinished business.

The SPEAKER. The gentlemen from Wisconsin asks to take up the bill H. R. 9835, being the District code bill.

Mr. BABCOCK. Now, Mr. Speaker, I would ask unanimous consent that the House hold evening sessions, commencing at 8 o'clock in the evening and continuing until half past 10, until the code is disposed of, not to interfere with appropriation bills, conference reports, and any other special order that may be made by the House in the future, beginning to-night.

Mr. MUDD. Mr. Speaker, if I may be indulged by general consent, in view of the attitude in which I have been attempted to be placed in reference to this code, I hope that request will be granted.

Mr. PAYNE. I would like to ask if these evening sessions are to be used for any other purpose than the consideration of the code bill?

Mr. BABCOCK. Not unless ordered by the House. My request is that it shall not interfere with appropriation bills or conference reports or any other special order of the House.

Mr. PAYNE. I wanted to know whether at these evening sessions other business of the House could come up, like conference reports or other business of that kind, or whether the evening session shall be used exclusively for the consideration of this bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House take a recess from 5 o'clock until 8, making this code bill a continuing order for consideration in the evenings, no other business to be considered, and adjourning at 10.30 o'clock, this order not to interfere with appropriation bills, conference reports, or other orders hereafter to be made by the House. Is there objection?

Mr. UNDERWOOD. I would like to ask if the gentleman proposes to read the bill through?

Mr. BABCOCK. Certainly.

Mr. UNDERWOOD. And as to whether they intend to adjourn over until the morning session?

Mr. BABCOCK. Oh, no; nothing of that kind.

Mr. UNDERWOOD. Limiting the session to debate?

Mr. BABCOCK. This order does not contemplate any morning sessions.

Mr. UNDERWOOD. With the understanding that it does not contemplate morning sessions, I will not object.

The SPEAKER. The Chair suggests that there is a conflict in the request—that no other business be transacted, and that this order is not to interfere with appropriation bills, conference reports, etc. It may be necessary to add to this request a provision that would include that character of business, as late in the session, the Chair suggests, the House may have sessions at night.

Mr. BABCOCK. I understand, Mr. Speaker, that this request will not displace any other line of business that has been mentioned, but that it shall be devoted exclusively to the code, except by order of the House.

Mr. MADDOX. Does the gentleman expect to have a quorum present?

Mr. BABCOCK. I hope so.

Mr. MADDOX. Are you going to demand a quorum?

The SPEAKER. The Chair will restate the request of the gentleman from Wisconsin, so that the House may thoroughly understand it. That at 5 o'clock on each day a recess be taken until 8 o'clock for the consideration of this bill with reference to the District code, and at those sessions conference reports, appropriation bills, or special orders shall not be displaced by the District code in case the House shall wish to consider them, these sessions adjourning at 10.30.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask, Is it the purpose to make this special order during the day sessions? Is that included in the request?

Mr. BABCOCK. Only for evening sessions.

The SPEAKER. Only for evening sessions. The Chair hears no objection, and it is so ordered.

Mr. SMITH of Kentucky. Mr. Speaker, a parliamentary inquiry. Do I understand that any gentleman at these evening sessions can call up one of the appropriation bills that has not been concluded?

The SPEAKER. Under this resolution they will be in order. The Chair suggests to the gentleman from Kentucky that in the

last days of the session the House is frequently in session day and night, and the House would under the order, as asked by the gentleman from Wisconsin, be in position to take up one of the appropriation bills or conference reports that might come up.

Mr. SMITH of Kentucky. The only objection I can see to that is that there ought to be some kind of previous notice as to when an appropriation bill is going to be taken up. If the House should make an order that on Wednesday, Thursday, Friday, and Saturday evenings it would hold these sessions for the purpose of considering these important measures, there could be no reasonable objection to that; but now we make an order to have an evening session to consider this code bill and under that an order, if this order is made as stated by the gentleman from Wisconsin, they can take up any important bill.

The SPEAKER. The Chair will state to the gentleman that any member can protect the House by making a point of no quorum. The real purpose is to consider the District code bill.

Mr. UNDERWOOD. I did not understand, Mr. Speaker—and I ask permission to object now—that at these sessions appropriation bills or other important matters could come up. I ask the privilege now of objecting to that order. I did not object because I did not understand that these bills could come up at an evening session without notice. In other words, they ought only to be considered where there is a conference report on an appropriation bill, and that should only be considered after full notice to the House. If they can be brought up when gentlemen who are not interested in this bill will not be here, I do not think the order ought to be made.

Mr. PAYNE. I interrupted the gentleman from Wisconsin when he first stated his request, and my object was to exclude from the evening session anything but the code bill; and I understood the exception which was made in reference to other business related to taking the recess at 5 o'clock. For instance, that the House might then go on with a conference report at 5 o'clock instead of taking the recess then, but when they did take the recess until 8 o'clock, then from 8 o'clock until half past 10 nothing was to be in order except the code bill.

Mr. UNDERWOOD. That is the way the order ought to be made. If the understanding is that nothing is in order from 8 to half past 10 except the code, I have no objection.

Mr. PAYNE. I ask, Mr. Speaker, that that may be made the order. I ask unanimous consent that it may be understood to be the order that between 8 and half past 10 nothing shall be in order except the code bill, and the taking of the recess at 5 o'clock shall not interfere with conference reports.

Mr. HEPBURN. The gentleman can not have that order made, because the Chair said there would be time—a time when there would be evening sessions—where this business ought to be competent, and the House understood that when unanimous consent was given.

Mr. PAYNE. That will be after this bill has been considered. Conference reports can be considered at 5 o'clock, but it ought to be understood that when we take the recess, commencing at 8 and running until half past 10, there shall be nothing in order except this code bill.

Mr. BABCOCK. I think the statement which I made clears the atmosphere, and that is this, as I stated it originally, that the evening session should be devoted exclusively to the consideration of the code bill, except by order of the House. I stated plainly that this order should not interfere with any other order of the House for the consideration of appropriation bills, conference reports, or any other order the House might make. For instance, the House may decide to have an evening session to consider appropriation bills. If it did, they would have the code bill off the floor.

Mr. SMITH of Kentucky. Let me make a suggestion and see if we can not get together. If the gentleman will add to his request that unless the House during the day session makes a different order, the evening session shall be devoted to the consideration of the District code bill exclusively.

Mr. BABCOCK. I have no objection to that, Mr. Speaker.

The SPEAKER. Has the gentleman stated his latest formulation? [Laughter.]

Mr. BABCOCK. The gentleman from Kentucky makes the additional request that the consideration of the code shall not be displaced unless by order of the House made before the evening session.

Mr. SMITH of Kentucky. Will the gentleman state his proposition again?

Mr. BABCOCK. That the consideration of the code shall not be displaced by any other business except in pursuance of an order by the House immediately previous to the recess for the evening session.

Mr. SMITH of Kentucky. That is all right.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that recesses be taken daily from 5 until 8 o'clock for the consideration of the District code.

Mr. BABCOCK. I believe that was agreed to.



Mr. HEPBURN. That question was submitted, and the Chair announced that there was unanimous consent.

The SPEAKER. So the Chair understood; but in view of what has since taken place, the Chair was assuming that that order had been voluntarily vacated.

Mr. BABCOCK and others. No, sir.

The SPEAKER. What is the gentleman's supplementary request?

Mr. BABCOCK. The suggestion of the gentleman from Kentucky [Mr. SMITH] is that no other business shall be considered during the evening sessions except the District code unless it be by an order of the House made before the recess.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that an additional stipulation be made that no business except the code shall be considered at these evening sessions except in pursuance of an order made by the House before the 5 o'clock recess. Is there objection?

Mr. HEPBURN. I object.

Mr. UNDERWOOD. We on this side have misunderstood the request of the gentleman from Wisconsin. We supposed there would be an opportunity to object to the request as a whole.

Mr. BABCOCK. I will say to the gentleman from Alabama that no other business will be brought before the House at these evening sessions if the District Committee can prevent it. I made my original proposition clearly and distinctly; and it was agreed to by the House.

Mr. UNDERWOOD. I do not want to interfere with the passage of the District code; but, when consent was given, I would have objected if I had thought there was any possibility of any other business coming up at the evening sessions unless in pursuance of notice previously given in the House; and I will say now that I do not think the House can afford to take advantage of gentlemen here upon a misunderstanding. If the agreement, as it now stands, be insisted upon, I give notice that before I will let this thing be run over me in that way I will come here every night and see that a quorum is present to do business. I ask unanimous consent to set aside the order in regard to evening sessions until we can come to a reasonable agreement.

The SPEAKER. The gentleman from Alabama asks unanimous consent to vacate the order made in regard to evening sessions for the consideration of the District code.

Mr. BABCOCK. I object.

Mr. SMITH of Kentucky. Then there will be nothing done at these evening sessions without a quorum.

Mr. UNDERWOOD. I notify gentlemen that there will have to be a quorum present.

Mr. BABCOCK. I would like to say a word. This is a very long and difficult bill, and it is impossible to get through it without evening sessions.

Mr. UNDERWOOD. I am perfectly willing there should be evening sessions.

Mr. BABCOCK. The committee has been willing to agree to the proposition that no other business than the District code shall be brought up at these evening sessions, and I will say to the gentleman that if there is any other business brought up in any way, except by an order of the House, the Committee on the District of Columbia will either move to adjourn or raise the point of no quorum. We will use our best endeavors to see that nothing comes up except the code.

Mr. UNDERWOOD. Why can not that be put in the agreement?

Mr. BABCOCK. Objection has been made.

Mr. UNDERWOOD. A gentleman on the other side objected. I can see no reason for doing so, unless it is the intention to try to bring up other business at the night sessions.

Mr. BABCOCK. I assure the gentleman that he will have no ground for criticism, so far as the District Committee is concerned.

Mr. SMITH of Kentucky. I have not been captious in making objections; but we have made a reasonable request; and as it has not been granted, I am going to stand with the gentleman from Alabama; and whenever there is an evening session there must be a quorum, or I shall interpose objection wherever it may be available.

MARY L. STOTSENBERG.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 4367) granting an increase of pension to Mary L. Stotsenburg.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary La Tourrette Stotsenburg, widow of the late Col. John M. Stotsenburg, of the First Nebraska Volunteer Infantry, in the year 1898, and pay her a pension of \$50 per month."

Mr. BURKETT. I move that the amendment be concurred in. The motion was agreed to.

#### BRIDGE ACROSS THE RED RIVER OF THE NORTH.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North.

The amendment of the Senate was read, as follows:

Page 2, line 11, strike out "is charged other parties for like privileges" and insert "the rate per mile paid for transportation over railroads or public highways leading to the said bridge."

Mr. SPALDING. I move that the amendment be concurred in. The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I understood the gentleman from Kentucky [Mr. SMITH] to say that it would require a quorum to do any business to-night. Now, in order to obviate that I ask unanimous consent that at the night session to-night no other business shall be in order except the District code. That will tide it over for to-night, and I think we can reach an agreement to-morrow.

Mr. SMITH of Kentucky. As far as I am concerned, that is all I care for.

The SPEAKER. The gentleman from New York asks unanimous consent that at the night session on this day no other business shall be transacted except the consideration of the District code. Is there objection?

There was no objection.

The SPEAKER announced the appointment as Speaker pro tempore for the evening session of Mr. CAPRON.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4171. An act to amend an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893—to the Committee on Interstate and Foreign Commerce.

S. 3205. An act for the relocation of certain tracks of street railways in the District of Columbia—to the Committee on the District of Columbia.

S. 2329. An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes—to the Committee on the District of Columbia.

S. 1929. An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes—to the Committee on the District of Columbia.

S. 4771. An act granting an increase of pension to Gilbert F. Colby—to the Committee on Invalid Pensions.

#### ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10740. An act to regulate the grades of Twentieth street, and for other purposes;

H. R. 3267. An act granting an increase of pension to Jacob W. Mocar;

H. R. 2537. An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;

H. R. 5886. An act granting a pension to William H. Lane;

H. R. 7418. An act granting an increase of pension to George Garrett;

H. R. 8559. An act granting an increase of pension to Margaret R. Clune; and

H. R. 7433. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1781. An act granting an increase of pension to Julia MacN. Henry;

S. 1619. An act granting an increase of pension to Ella Cotton Conrad;

S. 207. An act granting an increase of pension to Margaret E. Van Horn;

S. 3103. An act relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah;

S. 517. An act granting a pension to Nancy E. Neely;

S. 557. An act for the relief of Thomas Rosbrugh;



S. 2883. An act to change the characteristic of Cape Cod light, Massachusetts; and

S. 4615. An act to facilitate the entry of steamships in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BARHAM, indefinitely, on account of important business. To Mr. WHITE, for eleven days.

#### MONUMENT ON TALLADEGA BATTLE GROUND, ALABAMA.

By unanimous consent, the Committee on the Library was discharged from further consideration of the bill (H. R. 9704) to erect a monument at or near Talladega, Ala., to commemorate the battle of Talladega, fought by Tennessee volunteers under command of Gen. Andrew Jackson, November 9, 1813, and to appropriate \$10,000 for the erection thereof, and the same was referred to the Committee on Military Affairs.

#### B. R. WARREN.

By unanimous consent, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of B. R. Warren, no adverse report having been made thereon.

And then, on motion of Mr. PAYNE (at 4 o'clock and 53 minutes p. m.), the House took a recess until 8 o'clock p. m.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. CAPRON as Speaker pro tempore.

#### DISTRICT OF COLUMBIA CODE.

The SPEAKER pro tempore. The business before the House is the consideration of House bill 9835, known as the District code bill.

Mr. JENKINS. Mr. Speaker, I ask that the Clerk commence the reading of the bill by sections.

The SPEAKER pro tempore. The Clerk will read the bill by sections, for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the following is hereby enacted and declared to be a code of law for the District of Columbia, to go into effect and operation from and after the 1st day of January, in the year of our Lord 1901.

2. *And be it further enacted,* That in the interpretation and construction of said code the following rules shall be observed, namely:

First. Words importing the singular number shall be held to include the plural, and vice versa, except where such construction would be unreasonable.

Second. Words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable.

Third. The word "person" shall be held to apply to partnerships and corporations, unless such construction would be unreasonable, and the reference to any officer shall include any person authorized by law to perform the duties of his office, unless the context shows that such words were intended to be used in a more limited sense.

Fourth. Wherever the word "executor" is used it shall include "administrator," and vice versa, unless such application of the term would be unreasonable.

Fifth. Wherever an oath is required, an affirmation in judicial form, if made by a person conscientiously scrupulous about taking an oath, shall be deemed a sufficient compliance.

Sixth. The words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person.

#### CHAPTER I.

##### LAWS REMAINING IN FORCE.

SECTION 1. The common law, all British statutes in force in Maryland on the 27th day of February, 1801, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force at the date of the passage of this act, shall remain in force except in so far as the same are inconsistent with, or are replaced by, some provision of this code.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with, and that the committee amendments be first considered, and that the bill be open to further amendment, and for proper discussion on the amendments.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the further reading of the bill be dispensed with, and that the bill be taken up first for the consideration of the committee amendments, and subsequently for the consideration of such other amendments as shall be offered. Is there objection?

There was no objection.

Mr. MUDD. I ask unanimous consent that in the consideration of amendments they be considered under what is known as the five-minute rule. Strictly speaking, any gentleman might consume an hour on an amendment in the House. I ask unanimous consent that amendments may be considered under the provisions of the five-minute rule.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the debate upon amendments shall be under the five-minute rule. If there be no objection, it will be so ordered.

There was no objection.

The following committee amendments were severally read, con-

sidered, and agreed to [the numbers of sections referred to being the original numbers]:

Page 11, section 48, line 11, strike out all of the section after the word "year" and insert in lieu thereof the following:

"That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance for trial or for further hearing either by giving bond to the satisfaction of the court or by depositing money as collateral security with the appropriate officer at the said police court or the station keeper of the police precinct within which such person may be apprehended."

"And whenever any sum of money shall be deposited as collateral security as hereby provided, it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or the said District; and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the said United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money."

"And all fines payable and paid under judgment of the said police court shall, upon their payment, immediately become, in contemplation of law, the property of the said United States or the said District, according to the charge upon which such fine may be adjudged; and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both: *Provided*, That nothing herein contained shall affect the ultimate rights under existing law of the Washington Humane Society, or the policemen's fund (by whatever name the same may be called or known), or the firemen's relief fund, of the District of Columbia, in or to any fines or forfeitures paid and collected in the said police court."

Page 12, add a new section, to be known as section 59, as follows:

"SEC. 59. Fines to be paid to the clerk of police court: All fines, penalties, costs, and forfeitures imposed or taxed by the police court shall be paid to the clerk of the police court, either with or without process or on process ordered by the court, and by said clerk paid over to the District as often as once in each week."

Page 13, renumber the sections, commencing with section No. 59.

Section 64, line 16, after the word "justice," insert the following: "with the exception of all officers and employees in any manner connected with the probate term."

Section 119, line 1, strike out all after the word "clerk" and insert in lieu thereof the following:

"The register of wills of the District of Columbia shall be, and hereby is, authorized, empowered, and directed to act as clerk of the said probate term, to keep and certify its records, and generally, with respect to said term, to exercise all the powers and perform all the duties which might otherwise be properly exercised or performed by the clerk of the supreme court of the District of Columbia."

Section 120, line 1, strike out the word "clerk" and insert in lieu thereof the words "register of wills."

Section 120, at the end of the section, add the following: "he shall be, and hereby is, authorized to appoint a deputy, who may, in his absence, do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of wills: *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public Treasury, but shall, together with his own compensation, be paid out of the revenues of the office of register of wills."

Section 127, line 23, strike out the words "clerk thereof" and insert in lieu thereof "register of wills."

Section 131, line 4, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 173, line 7, strike out the period where it occurs after the word "court" and insert a comma, and add the following: "except in the probate term."

Section 174, at the end of the section, after the word "court," add the following: "*Provided*, That this section shall not apply to proceedings in the probate term, in which all deposits and costs as now required by law, and the orders of said term, shall be paid to the register of wills as heretofore."

Section 176, line 2, after the word "clerk," insert the following: "and the register of wills."

Section 257, line 4, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 272, line 2, insert, after the word "seal," the words "of the probate term."

Section 272, line 9, strike out the words "clerk of the supreme court" and insert in lieu thereof "register of wills."

Section 272, line 13, strike out the words "said court" and insert in lieu thereof the following: "the supreme court of the District of Columbia."

Section 272, line 15, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 293, line 11, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 297, lines 2 and 5, strike out the word "clerk" where it appears in each line and insert in lieu thereof "register of wills."

Section 304, line 17, strike out the words "clerk of this court" and insert in lieu thereof "register of wills."

Section 304, line 20, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 333, line 2, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 354, line 1, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 357, line 5, strike out the word "clerk" and insert in lieu thereof "register of wills."

Section 367, lines 11 and 12, strike out the word "clerk" where it appears in each line and insert in lieu thereof "register of wills."

Section 404, lines 7 and 8, strike out the words "clerk's office of the said supreme court" and insert in lieu thereof the words "office of the register of wills."

Section 712, lines 5 and 6, strike out the comma where it appears after the word "compelled," in line 5; also strike out the words "by reason of the provisions hereof," and the comma after the word "hereof."

Section 1111, lines 2 and 3, strike out the following words: "such as may be prescribed from time to time by rules passed by the supreme court of the District of Columbia;" also strike out the comma after the word "Columbia" and insert in lieu thereof the following: "those now prescribed by



section 931 of the Revised Statutes of the United States, relating to the District of Columbia, and by orders of the said probate term under section 932 of the said Revised Statutes."

Section 1111, lines 5 and 6, strike out the word "clerk" where it appears in each line and insert in lieu thereof "register of wills."

Section 1111, line 6, strike out the word "five" where it appears after the word "exceed" and insert in lieu thereof the word "ten."

Section 1111, at the end of the section, after the word "dollars," add the following: "Provided, That for any services required of the register of wills, as clerk of the probate court, for which no fees are specified by statute, he may be allowed to collect the fees prescribed by this code to be collected by the clerk of the supreme court of the District of Columbia for similar services."

Section 1593, line 1, strike out the words "and grades."

Section 1604, strike out all of lines 2, 3, and 4, and insert in lieu thereof the following: "No subdivision of land in the District of Columbia without the limits of the city of Washington shall be recorded in the office of the surveyor or in the office of the recorder of deeds unless the same shall have been first approved by the Commissioners of the District of Columbia and be in conformity with the recorded plans for a permanent system of highways."

Section 1612, line 3, strike out the word "six" where it occurs after the word "including" and insert in lieu thereof the word "five."

Also, in same line, after the word "marshal," add the words "when actually employed;" so that it will read: "including \$5 for the services of said marshal when actually employed."

Section 1630, add after paragraph 6, a new paragraph, as follows: "Seventh. Acts or parts of acts authorizing, defining, and prescribing the organization, powers, duties, fees, and emoluments of the register of wills of the District of Columbia and his office."

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, on page 47, all of section 227, entitled "Appeals in criminal cases."

The amendment was agreed to.

Mr. MUDD. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

In section 9, line 4, after the word "property," strike out the words "or the value of personal property claimed in an action of replevin," and insert after the word "dollars," in line 6, the words "including all proceedings by attachment or in replevin where the amount claimed or the value of the property involved does not exceed said sum."

Mr. MUDD. I will simply say, Mr. Speaker, that the object of the amendment is to give justices of the peace the same relative jurisdiction in attachment cases as they have in other cases. The amendment is agreed to by the gentleman having the bill in charge.

The amendment was agreed to.

Mr. MUDD. I offer an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Section 9, page 4, strike out the word "twenty" wherever it occurs in lines 12 and 13 and insert "fifty" in place thereof.

Mr. MUDD. The object of that amendment is to give justices of the peace exclusive original jurisdiction in all cases involving amounts under \$50. It makes the law just what it is to-day. I believe that also is agreeable to the gentleman having the bill in charge.

The amendment was agreed to.

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 44, page 10, and insert in lieu thereof the following: "That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury, unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury."

"In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by a court without a jury, unless in such of said last-named cases wherein the fine or penalty may be \$50 or more or imprisonment as punishment for the offense may be thirty days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year."

The amendment was agreed to.

Mr. JENKINS. Mr. Speaker, I desire to offer several amendments.

The SPEAKER pro tempore. The gentleman from Wisconsin offers several amendments which the Clerk will report.

The Clerk read as follows:

Amend section 45. After the word "District," in the third line, add the words "and shall receive a like compensation for their services."

Recast section 55 to read in caption:

"Sec. 55. Bailiffs and other officers."

And, after the final word, "court," add "The said court may also appoint a doorkeeper at a salary of \$540 per annum, an engineer at a salary of \$900 per annum, and a janitor at a salary of \$450 per annum."

Recast section 56 to read:

"Sec. 56. Salaries, how paid: The salaries of the judges, clerk, deputy clerks, bailiffs, deputy marshal, doorkeeper, engineer, and janitor of the said court shall be paid as other salaries of the District of Columbia, from appropriations made by Congress as provided in the act of June 11, 1878."

Recast section 58 to read:

"Sec. 58. Fines to be paid to the clerk of police court: All fines, penalties, costs, and forfeitures imposed or taxed by the police court shall be paid to the clerk of said court, either with or without process or on process ordered by the court. The clerk of the police court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs, and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia, subject to the requirements of the provision of the act of June 11, 1893, to meet any deficiency in the police fund or the firemen's relief fund. The said clerk shall render an itemized statement of each deposit aforesaid upon such forms and in such manner as shall be prescribed by the auditor of the District of Columbia."

Add a new section as follows:

Sec. 59. Accounts, how audited: It shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the police court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. In order to enable the auditor of the District to perform the duty hereby imposed upon him, he shall have free access to all books, papers, and records of the said court.

The SPEAKER pro tempore. Without objection, the vote on the several amendments will be taken together.

There was no objection.

Mr. FINLEY. Mr. Speaker, I would ask the gentleman to explain the effect of these amendments, and how they differ from the existing law.

Mr. JENKINS. I would like to ask the gentleman to designate the amendments that he wishes to have explained, and I will take them up seriatim with pleasure.

Mr. FINLEY. Take the first one—in section 56, I believe it is—and state seriatim how the existing law will be affected by those amendments.

Mr. JENKINS. The existing law is not changed. It is in strict conformity with the existing law. This is a new code, and the amendments are to bring it into harmony with the present law, I will state to the gentleman from South Carolina.

Mr. MUDD. The general object of the amendments, a series of which have been acted upon together, is to provide that the salaries of the marshal and special police-court officials shall be paid hereafter as heretofore, out of the general funds of the District of Columbia and the general funds of the United States. The amendments are suggested by the auditor of the District. It was apprehended if allowed to go as at present it would interfere with the organic act of 1878 and require these salaries hereafter to be paid out of the funds of the District of Columbia, which we think ought not to be the case.

Mr. FINLEY. Then in that respect it does change the existing law?

Mr. MUDD. It leaves the existing law as it stands to-day, because to-day under the organic act those salaries are paid one-half out of the general funds of the District of Columbia and the other half out of the United States Treasury. There was a section in the code under which it was thought it changed existing law, and this makes the matter clear.

The SPEAKER pro tempore. The question is on the several amendments offered by the gentleman from Wisconsin.

The question was taken, and the amendments were agreed to.

Mr. MUDD. I offer the following amendment.

The Clerk read as follows:

On page 7, section 30, line 6 of the section, strike out the words "on the day of" and insert in lieu thereof the words "within six days after."

Mr. BABCOCK. I would like to have an explanation of that amendment.

Mr. MUDD. I will explain the amendment. By the language of section 30 as it now stands appeals from the justice of the peace are required to be taken on the day of the rendition of the judgment. In another section I think it will be found that the appeal bond may be filed within six days. I apprehend that there is no State in the country in which in a case tried before a justice of the peace the defendant is required to take an appeal the very day the judgment is rendered. We have simply inserted the words so as to read "the appeal may be taken within six days."

Mr. BABCOCK. I do not think, Mr. Speaker, there is any objection to that amendment. I want to say just a few words in reference to these amendments that have been offered. They are not offered by individuals, but are the consensus of opinion of the District officers, the bar, and the committee, trying, as far as possible, to meet the views of all interested and to perfect as nearly as they can this important legislation.

Mr. Speaker, I desired to submit a few remarks this evening, but as there are other amendments to offer, I will ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the amendment was agreed to.



Mr. MUDD. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

On page 9, section 38, line 2 of section, strike out the words "shall be entered" and insert the words "he shall enter from day to day concurrently with the respective proceedings."

The amendment was agreed to.

Mr. MUDD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 15, section 78, in line 3 of section, strike out the word "defendant" and insert the word "appellee" in lieu thereof.

Mr. MUDD. That is a verbal correction.

The amendment was agreed to.

Mr. MUDD. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add on page 9, after section 41, as follows:

"SUPERSEDEAS.

"On all judgments rendered by a justice of the peace, except as hereinafter provided, stay of execution may be had upon good and sufficient security being entered by a person who may be at the time the owner of sufficient real property located in the District, above all liabilities and exemptions, to secure the debt, costs, and interest.

"In such cases stay of execution shall be entered as follows:

"For the sum of \$5 and not exceeding \$20, one month.

"For all sums over \$20 and not exceeding \$40, two months.

"For all sums over \$40 and not exceeding \$75, four months.

"For all sums exceeding \$75, six months.

"There shall be no stay of execution on any judgment for the wages of a servant or common laborer, nor upon any judgment for a less sum than \$5."

[Mr. CLAYTON of Alabama addressed the House. [See Appendix.]

Mr. CLAYTON of Alabama. Mr. Speaker, I ask leave to extend my remarks in the RECORD and to print certain documents and papers in connection therewith.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Without objection, permission will be given.

There was no objection.

Mr. JAMES R. WILLIAMS. Mr. Speaker, I do not wish to take up the time in discussing this amendment, as I have no doubt it will be adopted; but I rise for the purpose of asking permission to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. COCHRAN of Missouri. Mr. Speaker, I rise for the purpose of asking leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[Mr. MUDD addressed the House. [See Appendix.]

The question being taken on the amendment of Mr. MUDD, it was agreed to.

Mr. JENKINS. I now ask for a vote on the third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. JENKINS (at 8 o'clock and 40 minutes p. m.), the House adjourned.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11241) repealing section 4716, Revised Statutes, so far as the same relates to soldiers and sailors and the widows of soldiers and sailors of the Mexican war, reported the same without amendment, accompanied by a report (No. 1785); which said bill and report were referred to the House Calendar.

Mr. TATE, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 9) providing for the printing of additional copies of Senate Miscellaneous Document No. 278, reported the same with amendment, accompanied by a report (No. 1807); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893, reported the same without amendment, accompanied by a report (No. 1808); which said resolution and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. R. 122) respecting the unveiling of the statue of Lafayette at Paris, France, July 4, 1900, reported the same without amendment, accompanied by a report (No. 1809); which said resolution and report were referred to the House Calendar.

Mr. TAWNEY, from the Special Committee on the Centennial of the Louisiana Purchase, to which was referred the bill of the House (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1812); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 252) authorizing foreign exhibitors at the Ohio Centennial and Northwest Territory Exposition, to be held in Toledo, Ohio, in 1903, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits under regulations prescribed by the Secretary of the Treasury, reported the same without amendment, accompanied by a report (No. 1813); which said resolution and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 42) providing for printing reports of the Industrial Commission on trusts, reported the same with amendment, accompanied by a report (No. 1814); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 51) providing for printing, in the form of eulogies, the proceedings of Congress upon the reception of the statue of Gen. Ulysses S. Grant, reported the same without amendment, accompanied by a report (No. 1815); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 9542) to amend an act granting to the Muscle Shoals Power Company right to erect and construct canal and power station at Muscle Shoals, Alabama, reported the same without amendment, accompanied by a report (No. 1816); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11452) to restore the name of Nettie L. Bliss to the pension roll, reported the same with amendment, accompanied by a report (No. 1769); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4962) granting a pension to James E. Bates, reported the same with amendment, accompanied by a report (No. 1770); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7580) granting a pension to Samuel N. Haskins, of Providence, R. I., reported the same with amendment, accompanied by a report (No. 1771); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3512) to pension Rebecca G. Irwin, reported the same with amendment, accompanied by a report (No. 1772); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4651) granting a pension to Mrs. Emily Alder, reported the same with amendment, accompanied by a report (No. 1773); which said bill and report were referred to the Private Calendar.



Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8771) granting an increase of pension to Lyman A. Sayles, reported the same with amendment, accompanied by a report (No. 1774); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4018) granting pension to Mrs. Elizabeth Dinnon, widow of the late John Dinnon, reported the same with amendment, accompanied by a report (No. 1775); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2405) granting an increase of pension to James G. McClure, reported the same with amendment, accompanied by a report (No. 1776); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10482) granting a pension to Pattie D. McCown, reported the same with amendment, accompanied by a report (No. 1777); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4963) granting an increase of pension to Capt. Charles E. Churchill, reported the same with amendment, accompanied by a report (No. 1778); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3729) granting a pension to Prudence Reamer, reported the same without amendment, accompanied by a report (No. 1779); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 415) granting an increase pension to John Roop, reported the same without amendment, accompanied by a report (No. 1780); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3440) granting an increase of pension to George W. Harrison, reported the same without amendment, accompanied by a report (No. 1781); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3517) granting an increase of pension to Adam Velten, reported the same without amendment, accompanied by a report (No. 1782); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4555) granting an increase of pension to Stephen Longfellow, reported the same without amendment, accompanied by a report (No. 1783); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4212) granting an increase of pension to Edyth M. Muck, reported the same without amendment, accompanied by a report (No. 1784); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 91) granting a pension to J. J. Groff, reported the same with amendment, accompanied by a report (No. 1786); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1413) granting a pension to Erie E. Farmer, reported the same with amendment, accompanied by a report (No. 1787); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8190) granting a pension to Henry Miller, reported the same with amendment, accompanied by a report (No. 1788); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11091) granting a pension to Ambrose Brisett, reported the same without amendment, accompanied by a report (No. 1789); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7617) granting an increase of pension to Rebecca Tolson, of Clifton, Va., reported the same with amendment, accompanied by a report (No. 1790); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2400) granting an increase of pension to Edith Lockwood Sturdy, reported the same with amendment, accompanied by a report (No. 1791); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to

which was referred the bill of the House (H. R. 10792) to increase the pension of John T. Knox, reported the same with amendment, accompanied by a report (No. 1792); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2595) granting a pension to W. C. Griffin, reported the same with amendment, accompanied by a report (No. 1793); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10548) for the relief of Thomas Claiborne, reported the same with amendment, accompanied by a report (No. 1794); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 667) granting a pension to B. H. Randall, reported the same with amendment, accompanied by a report (No. 1795); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10039) granting a pension to Sarah T. Brewer, reported the same with amendment, accompanied by a report (No. 1796); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2729) granting a pension to Eliza L. Reese, reported the same with amendment, accompanied by a report (No. 1797); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5853) granting a pension to Mary Black, widow of Samuel C. Black, reported the same with amendment, accompanied by a report (No. 1798); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1400) granting a pension to William Lyman Chittenden, reported the same with amendment, accompanied by a report (No. 1799); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3457) granting an increase of pension to Laura Ann Smith, reported the same with amendment, accompanied by a report (No. 1800); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 349) granting an increase of pension to James H. Coventon, reported the same with amendment, accompanied by a report (No. 1801); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2085) for the relief of Jane Womack, reported the same with amendment, accompanied by a report (No. 1802); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 292) granting an increase of pension to Martha G. D. Lyster, reported the same with amendment, accompanied by a report (No. 1803); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2432) granting an increase of pension to James A. Thomas, reported the same with amendment, accompanied by a report (No. 1804); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7757) for the relief of Agnes Ryder, minor child of the late Thomas P. Ryder, brigade quartermaster's clerk of Third Brigade, Third Division, First Army Corps, Spanish-American war, reported the same with amendment, accompanied by a report (No. 1805); which said bill and report were referred to the Private Calendar.

Mr. VREELAND, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3545) granting a pension to Mrs. Ellen Hardin Walworth, reported the same with amendment, accompanied by a report (No. 1806); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6323) for the relief of John McDonald, alias John Shannon, reported the same with amendment, accompanied by a report (No. 1810); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 1191) for the relief of James M. Willbur, reported the same without amendment, accompanied by a report (No. 1811); which said bill and report were referred to the Private Calendar.



## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8797) to pension Sarah E. Stevens; and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BAILEY of Kansas (by request): A bill (H. R. 11928) to authorize the imposition of additional duties on imports from the German Empire—to the Committee on Ways and Means.

By Mr. TAYLER of Ohio: A bill (H. R. 11929) providing for the purchase of Mathews's portrait of Lincoln—to the Committee on the Library.

By Mr. LEVY: A bill (H. R. 11930) directing the construction of a draw in the bridge over Westchester Creek, in the borough of the Bronx, New York City—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS (by request): A bill (H. R. 11931) to increase the volume of circulating medium of the United States—to the Committee on Banking and Currency.

By Mr. BINGHAM: A bill (H. R. 11932) granting an eight-hour day to post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. SMALL: A bill (H. R. 11933) authorizing a survey and estimate of cost of dredging a channel from Long Bay, on Core Sound, to Neuse River, State of North Carolina—to the Committee on Rivers and Harbors.

By Mr. BELL: A bill (H. R. 11934) to provide for the purchase of a site and the erection of a public building thereon at Trinidad, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. LENTZ (by request): A bill (H. R. 11961) to refund the pension debt and the payment of same—to the Committee on Invalid Pensions.

By Mr. KERR: A joint resolution (H. J. Res. 260) to increase the pay of laborers employed at the Patent Office—to the Committee on Patents.

By Mr. GARDNER of New Jersey: A concurrent resolution (H. C. Res. 54) providing for printing the report of the Industrial Commission on trusts—to the Committee on Printing.

By Mr. SULLOWAY: A resolution (H. Res. 282) providing a rule for the consideration of pension bills reported Friday, May 25, 1900—to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CORLISS: A bill (H. R. 11935) for the relief of John Millan—to the Committee on War Claims.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 11936) granting an increase of pension to William Everett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11937) for the relief of Spencer D. Hunt—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 11938) to correct the naval record of Benjamin R. Austin—to the Committee on Naval Affairs.

Also, a bill (H. R. 11939) granting a pension to Annie Austin—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 11940) to pension Alexander Smithers—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11941) for the relief of Elias Miller—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 11942) for the relief of Daniel Black—to the Committee on War Claims.

By Mr. JETT: A bill (H. R. 11943) for the relief of Bernhard Huber—to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11944) to remove the record of dishonorable discharge from the military record of Temple Short—to the Committee on Military Affairs.

Also, a bill (H. R. 11945) confirming two locations of Chippewa half-breed scrip in the State (then Territory) of Utah—to the Committee on Indian Affairs.

By Mr. SMALL: A bill (H. R. 11946) to remove charge of desertion from the records of the Navy Department against Joseph Netherlands—to the Committee on Naval Affairs.

Also, a bill (H. R. 11947) for the relief of Daniel Reid, W. R. S.

Burbank, and the heirs of J. H. and E. H. Taft—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 11948) for the relief of William H. Rogers—to the Committee on Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11949) granting a pension to Emily M. Lowing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11950) granting a pension to Mary A. Everhart, widow of Theodore J. Everhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11951) granting a widow's pension to Caroline Draper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11952) for the relief of Chester Narragan—to the Committee on Invalid Pensions.

By Mr. SPRAGUE: A bill (H. R. 11953) granting an increase of pension to Jane H. Eayrs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11954) for the relief of Herbert I. Jackson—to the Committee on Claims.

Also, a bill (H. R. 11955) granting a pension to Susan M. Schmitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11956) granting an increase of pension to Frank Smith—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 11957) to amend the record of Peter Kiernan—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 11958) for relief of John Breen, lately postmaster at Gladwyne, Pa.—to the Committee on Claims.

By Mr. MINOR: A bill (H. R. 11959) granting an increase of pension to John D. Atwater—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 11960) for relief of Cumberland University, of Lebanon, Tenn.—to the Committee on Military Affairs.

By Mr. ELLIOTT (by request): A bill (H. R. 11962) for the relief of Nancy Green—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11963) to increase the pension of Aaron Starnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11964) granting a pension to Christian Kloeppel—to the Committee on Pensions.

Also, a bill (H. R. 11965) to amend and correct the records of Company E, Hickory County Battalion, attached to Osage County (Mo.) Home Guards, by including the name of John R. C. Tucker therein, with the dates of his enlistment and discharge, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 11966) granting a pension to Sarah M. Thompson, Asa D. Thompson, Lola A. Thompson, and Nathan L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11967) to amend the record of Company G, Sixteenth Regiment Missouri Cavalry, by including the name of Morgan L. Atchley therein, with the date of his enlistment and the date of his discharge, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 11938) granting a pension to Franklin Otis—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A resolution (H. Res. 283) to pay \$280 to Charles Lefon—to the Committee on Accounts.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of Hustler Camp, No. 3300, Modern Woodmen of America, favoring the passage of House bill No. 4911, in the interest of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMSON: Petition of Gaines Pharmacy, R. Carter, and other druggists, of Columbus, Ga., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BELLAMY: Petition of the Wilmington (N. C.) Chamber of Commerce, favoring the passage of House bill relating to the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: Petition of Rev. J. G. Paton, Rev. J. W. Meminger, and others, of Lancaster, Pa., for legislation to prevent traffic in rum, opium, and firearms with the New Hebrides—to the Committee on Interstate and Foreign Commerce.

By Mr. BRUNDIDGE: Petitions of the Fitzpatrick Drug Company, of Arkansas, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. BULL: Resolutions of the East Providence (R. I.) Business Men's Association, in favor of the "Loud second-class mail-matter bill"—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph F. Rupert and 6 other druggists of



Providence, R. I., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of C. E. McDonald & Co. and other druggists of Lockhart, Tex., J. J. Thames and other druggists, of Taylor, Tex., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the University of Texas, urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Ex-Slave Mutual Relief, Bounty, and Pension Association, in favor of Senate bill No. 1176, to pension ex-slaves—to the Committee on Pensions.

By Mr. BUTLER: Petition of the Woman's Christian Temperance Union of Linwood, Pa., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. CAPRON: Resolutions of the East Providence (R. I.) Business Men's Association, in favor of the "Loud second-class mail-matter bill"—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Paper to accompany House bill to pay Charles Lefon for services as messenger for 1900—to the Committee on Accounts.

By Mr. ELLIOTT: Petition of South Carolina Pharmaceutical Association for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Woman's Christian Temperance Union, societies, and churches of La Crosse, Wis., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of druggists of Minneapolis, Minn., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. HOWARD: Petitions of Charles Jordan, of Monticello, B. W. Hunt and other druggists, of Eatonton, Ga., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petitions of First Christian Church, of Olympia; the Woman's Christian Temperance Union, Anti-Saloon League, and Good Templars of Dayton, Wash.; the Woman's Christian Temperance Union of Guy, Wash., and Ministerial Alliance of Tacoma, to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, petition of the publishers of the Yakima (Wash.) Herald, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of J. Isaacson, of San Francisco, Cal., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, protest of the Pasadena (Cal.) Medical Society, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

By Mr. KERR: Paper to accompany House joint resolution increasing the salaries of laborers in the Patent Office—to the Committee on Patents.

By Mr. LEWIS: Petition of E. C. Bruce and other druggists of Rochelle, Ga., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Petition of A. H. Snow and other retail druggists of Lincoln County, Me., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. MANN: Resolutions of the board of directors of the Board of Trade of Chicago, Ill., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Statement of committee of Grand Army of the Republic Post of London, Tenn., to accompany House bill to investigate the pension claim of William Robinson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to provide a temporary government for the Territory of Jefferson, and other purposes—to the Committee on the Territories.

By Mr. SHACKLEFORD: Paper to accompany House bill for the relief of Christian Kruppel—to the Committee on Pensions.

Also, paper to accompany House bill granting an increase of pension to Aaron Sternes, of Plad, Mo.—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Central Federated Union of New York, in favor of the letter carriers' salary bill—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill to correct the military record of Peter Kiernan—to the Committee on Military Affairs.

By Mr. WEYMOUTH: Petition of C. H. Dalrymple and citizens of Lunenburg, Mass., in favor of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

## SENATE.

TUESDAY, May 29, 1900.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

## SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1900, and for prior years, amounting to \$33,906.95, and for the postal service, payable from postal revenues, amounting to \$1,672.93; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## PUBLIC RECEIPTS AND EXPENDITURES IN CUBA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 17, 1900, additional information received from the military governor of Cuba relative to the salaries and incidental expenses allowed officers of the Army from insular funds during the period from January 1, 1899, to June 30, 1899, etc.; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

## LIST OF JUDGMENTS AND CLAIMS ALLOWED.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of all judgments rendered against the United States by the circuit and district courts of the United States, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of all judgments in favor of claimants in Indian depredation claims for the payment of which no appropriation has been made, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolutions:

A bill (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians;

A joint resolution (S. R. 121) for the appointment of first lieutenants of volunteers in the Signal Corps of the Army; and

A joint resolution (S. R. 127) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed, with amendments, the following bills; in which it requested the concurrence of the Senate:

A bill (S. 2581) to incorporate the National White Cross of America, and for other purposes; and

A bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 4367) granting an increase of pension to Mary L. Stotsenberg;

A bill (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia;

A bill (H. R. 7663) to establish a board of charities for the District of Columbia;